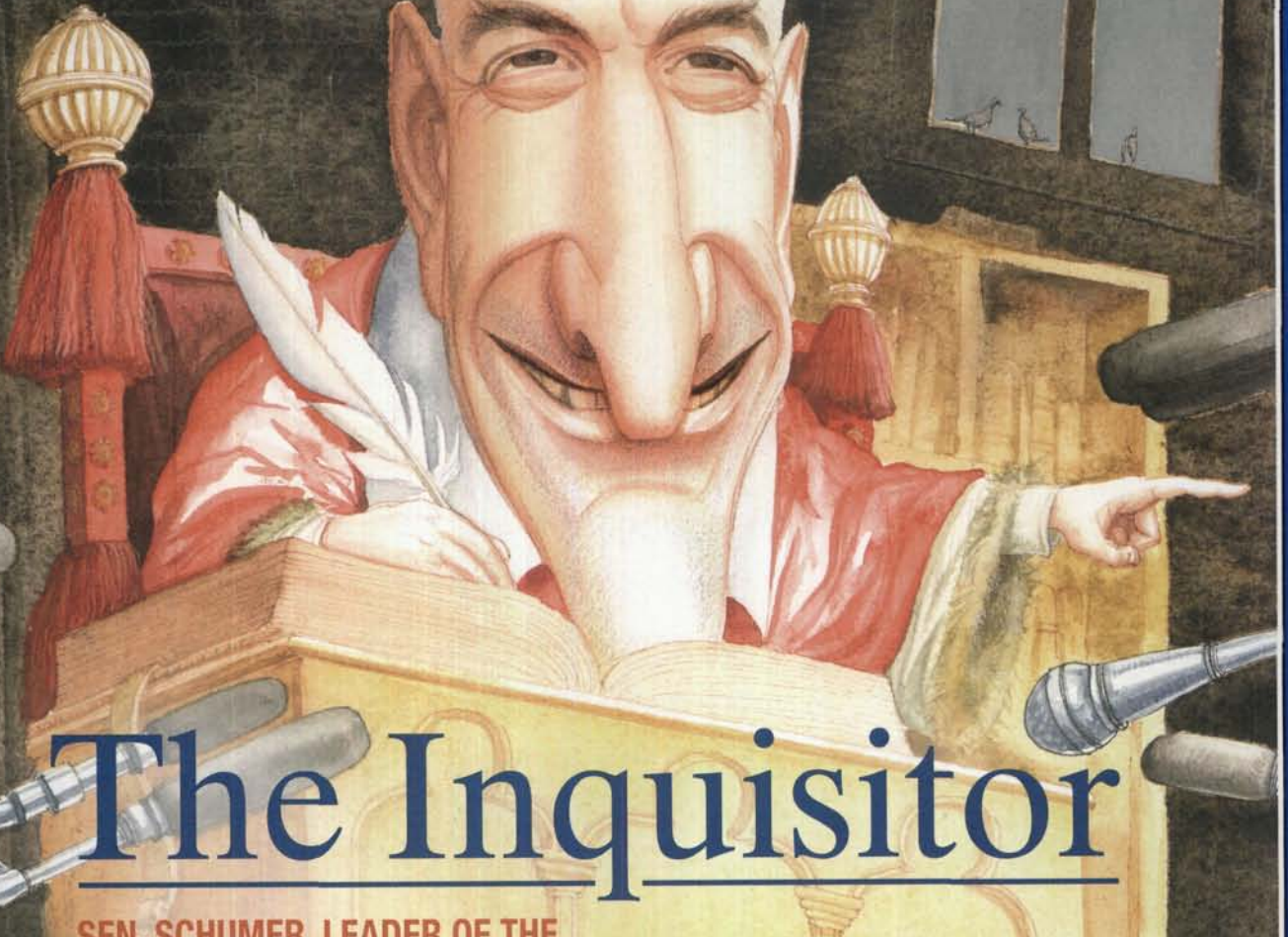


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NATIONAL REVIEW



The Inquisitor

**SEN. SCHUMER, LEADER OF THE
CRUSADE AGAINST BUSH JUDGES**

BY JOHN J. MILLER

**RAMESH PONNURU AND THE EDITORS
on the Roberts nomination
and the Supreme Court**

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■ THE JUDICIARY

The Inquisitor

Chuck Schumer is New York's *other* liberal senator. Whereas Hillary Rodham Clinton may be more important to her party's long-term ambitions, Schumer is undoubtedly more significant to its near-term goals: He is perhaps the key Democrat sitting on the Senate panel that soon will weigh in on the nomination of Judge John G. Roberts Jr. to fill the first Supreme Court vacancy in more than a decade. *By John J. Miller*



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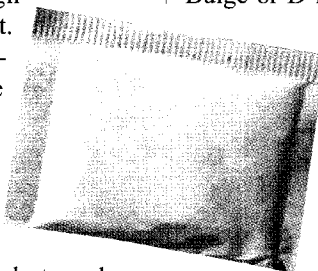
letters to the editor

ARTIFICIAL SWEETENERS

I enjoyed Jason Lee Steorts's article on the sugar industry and U.S. farm policy ("Sugar Daddies," July 18). But any discussion of this policy is incomplete if it doesn't mention the sugar industry's powerful partner in crime: the corn industry. Cane sugar has become so expensive that many American manufacturers use high-fructose corn syrup instead. If sugar prices were at their natural market level in the U.S., it is unlikely that high-fructose corn syrup would have such a high percentage of the market. This gives the corn industry a powerful incentive to keep sugar prices high.

Opponents of our sugar policy must understand that they will face the ire of not only the sugar industry, but also the corn industry, whose success with ethanol subsidies shows how politically powerful it is. I don't expect to see significant changes in the sugar policy in my lifetime.

*Paul Mantyla
San Jose, Calif.*



SOUNDS LIKE A DEAL

John O'Sullivan wrote in "The Islamic Republic of Holland" (July 18) that the citizens of Holland, along with many other Europeans, are agonizing over the need to import people in order to keep their welfare states afloat as birthrates decline. The importation of Muslims from the Middle East seems not to have been an entirely satisfying experience.

Simultaneously, many of the socialists here in the United States have become extremely unhappy because they cannot convince the majority of Americans to join them in their pursuit of radical egalitarianism. While Europe's socialists search for population, ours deride the United States and all it stands for. Some have even threatened to leave our shores. Do we have the kernel of a win-win situation here?

*J. R. Dunworth
Holly Springs, Miss.*

PROPORTIONAL FAILURE

Victor Davis Hanson's "Are They In the Army Now?" (July 4) deploys some very instructive statistics about the military's supposed recruitment woes. His data about the socioeconomic and racial distribution of combat deaths are a useful rejoinder to pervasive canards about (for lack of a gentler phrase) who's doing the dying in Iraq and Afghanistan.

I'm not so confident, however, in the value of his appeals to historical memory. True, Iraq is nothing next to the Bulge or D-Day, and this is reassuring

to those who support the war. I have discovered, however, that it is entirely irrelevant to those who oppose the war: Given a choice between a scaled-down Antietam and no Antietam at all, who would opt for the former?

I frequently pass Hanson's pieces along to pacifists and fence-sitters—who are often receptive, until they reach that staple comparison of a bad situation to a far worse one. (It doesn't help that the worse one is, by necessity, always from a time when our technology was more primitive, our casualty expectations much higher.) They mistake our sense of proportion for jingoistic gloating over our prowess—and, in a practical sense, it matters less that they're wrong than that they've been distracted from the main content of the argument.

The problem here is *not* absolute numbers. And dwelling on numbers, bad or better, is simply not going to shift overall opinion on this war.

*Stefan Beck
New York, N.Y.*

NO STRINGS ATTACHED

In the July 18 issue ("Gotta Be the Shoes"), Richard Brookhiser wrote: "The only other option for serious informal footwear in New York is . . . the cowboy boot." Has he forgotten loafers (without the tassels, please)?

*Stephen F. Drabik
Rockaway, N.J.*

Property and Privilege

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The recent dreadful decision of the United States Supreme Court in *Kelo v. City of New London* held that New London could take the homes of ordinary citizens in the name of urban planning. It didn't seem to matter to the five-member majority that the city's porous redevelopment plan did not evince any intelligible purpose, let alone the public use that the Constitution requires.

The good news in the aftermath of *Kelo* is that it has forced people, especially on the political left, to rethink their views on the place of private property. Ever since the decisive and wrongheaded New Deal decisions in the mid-1930s, the Supreme Court has by and large held that the constitutional protections of private property should be read weakly so as to allow governments to act in ways that advance some notion of the common or public good. The underlying liberal vision was that private property was the instrument of individuals of privilege and power, which had to be cut down to size by an alert legislature that had the interests of the little man at heart. The liberal justices on the Supreme Court have accordingly done everything to give their blessing to local land use condemnation and regulation.

Kelo shows the utter fatuity in that position. There is of course every reason to believe that people with great wealth will use their power and influence to turn legislative decisions in their direction. But it hardly follows that private property is the villain of the piece. In many cases, the system

of strong property rights works to protect people of limited wealth from the machinations of others. This defensive use of private property was evident to such philosophers as John Locke and such economists as Adam Smith. It impressed itself on this nation's Founders, who understood the risk that political factions put to the stability of our social order.

Here is one telltale sign of the massive amounts of political favoritism in *Kelo*. One common argument in favor of a broad use of the eminent domain power is that it is necessary to allow developers to assemble large parcels of land for major developments. But in *Kelo* the New London planners were quite happy to slate private homes for destruction while allowing the Italian Dramatic Club (a watering hole for local politicians) to remain untouched, even though it abutted one of the private homes that was taken.

Last year, the Michigan Supreme Court held that its state constitution blocked the use of the eminent domain power for so-called economic development. Other states are now falling into line. **With a little bit of hard work, the instinctive revulsion toward the *Kelo* decision could lead to a groundswell of public action.** But whatever the future brings, remember that the four dissenters—Rehnquist, O'Connor, Scalia, and Thomas—all so-called conservatives, were the defenders of the Constitution and the little man.

—Richard A. Epstein

Richard A. Epstein is a senior fellow at the Hoover Institution and a professor of law at the University of Chicago. He wrote an amicus brief on behalf of Kelo v. City of New London in the Supreme Court.

HOOVER INSTITUTION

... ideas defining a free society

THE WEEK

■ The *Washington Post* editorialized that John Roberts is “a man of substance and seriousness” and that President Bush “deserves credit” for nominating him. The *Los Angeles Times* said that he is “a judicious choice.” But we’ll try to keep an open mind.

■ Justice Sandra Day O’Connor’s jurisprudence, all too often, has been neither based on the Constitution as understood by its ratifiers nor mindful of the requirements of the rule of law. She has been applauded, especially by liberals, for her lack of rigid principles. President Bush was urged to pick a “consensus” nominee like her. We think that whether a justice is a faithful servant of the law is more important than whether his nomination draws universal praise in the Senate and on the op-ed pages. But as it happens, O’Connor’s career is a study in the breakdown of consensus. Her pragmatism made it easy for her to find compromises, and thus to offer something for everyone. No party ever knew that it had definitively won or lost. Liberals and conservatives; supporters and opponents of abortion; friends and foes of school prayer; activists for and against racial preferences; nationalists and federalists: All had a chance of winning her vote for their cause in the next case, less because she was applying principles impartially than because she was not applying principles at all. But the lack of clear rules made the Court’s will that much more important. Justice Scalia’s relatively rule-bound jurisprudence constrains his decisions in a way that Justice O’Connor’s jurisprudence never constrained hers. Scalia is often described as a “polarizing” justice. But if his jurisprudence were to prevail, over time there would be fewer people marching in front of the Supreme Court—because the Court would no longer be handing out large political victories. O’Connor’s jurisprudence, on the other hand, was a recipe for endless political conflict within and around the courts. Political activists had every reason to want the next appointee to the Court to share their views and sensibilities. No wonder confirmation hearings have gotten so bitter. Let us hope that the nomination of Roberts (about whom more below) is the beginning of a way out.

■ The economy is growing, federal revenue is therefore up (14 percent), and the deficit is going down (by \$100 billion). What’s not to like? Republicans are claiming that the new numbers prove that their tax cuts, and especially the supply-side tax cuts of 2003, worked. Democrats are saying that the revenues are dependent on the fluctuations of the stock market, and thus can’t be counted on to continue. Both sides are right. Business investment turned around when the Republicans cut taxes on dividends and capital gains and allowed businesses to write off some investment costs immediately. But that write-off provision has already expired. To

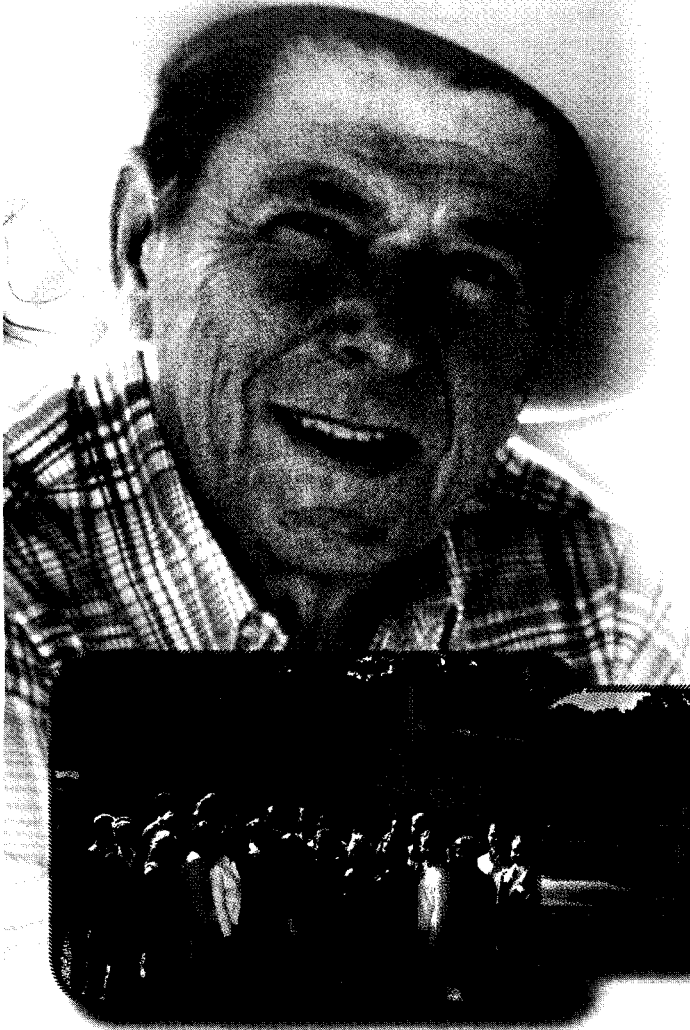


See page 10

keep the growth going, that tax cut should be reinstated. And if the extra revenue is not going to finance still more spending, President Bush will have to show more willingness to restrain Congress than he has shown so far—which is to say, sadly, any willingness at all.

■ Ken Mehlman, the chairman of the Republican National Committee, spoke to the NAACP about the relationship between blacks and the Republican party. Much of what he said was worthwhile. But he knew, or should have known, that the headlines afterward would concentrate on the following sentences: “Some Republicans [in the ’70s, ’80s, and ’90s] gave up on winning the African American vote, looking the other way or trying to benefit politically from racial polarization. I am here today as the Republican chairman to tell you we were wrong.” Mehlman was taken to be repudiating the “Southern strategy” followed by Richard Nixon and later Republicans. Yet there was nothing ignoble about seeking the votes of southern whites—or any other group of voters—on the basis of their concerns about crime, national defense, racial quotas, school busing, and social liberalism. President Bush claims to be against quotas, too, even if he won’t do anything about it. Does Mehlman mean to suggest that pandering to racists is okay as long as it’s halfhearted? Mehlman is right to think that Republicans should try to win more votes among blacks, and perhaps he is even right to say that Republicans wrongly neglected that task in the past. But he is wrong if he thinks he advances this task by attacking his predecessors—

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THE WEEK...

or, for that matter, by speaking to the NAACP.

■ Michael Chertoff, the head of the Department of Homeland Security, prompted howls with his entirely commonsensical suggestion that the federal government should focus most of its energy on trying to prevent truly catastrophic terror attacks using commercial aviation or weapons of mass destruction. Chertoff was acknowledging the obvious—that it is, unfortunately, nearly impossible to secure mass transit given its multiple access points and massive numbers of fast-moving passengers. Chertoff also wants federal grants to states for “first responders” to be allocated on the basis of risk. Currently, Congress mandates that much of this money is doled out to every state equally, regardless of the likelihood that it might suffer an attack. The House passed a bill shifting toward a risk-based approach, but the Senate, where small rural states have a disproportionate influence, wants to keep larding cash on places like North Pole, Alaska, and Lenawee County, Michigan. All Chertoff wants is rationality. It may be too much to ask.

■ Speaking of which, Chertoff recently lifted restrictions that have confined airline passengers to their seats for a half hour after taking off and before landing at Reagan National Airport. The no-stand rule was put in place during the desperate post-9/11 scramble to protect against further terrorist attacks. The intentions were good, but the result was a nuisance. Chertoff rightly said that increased airport security made the restriction unnecessary. Lifting it demonstrates that not all security restrictions need be permanent. Hooray.

■ That was close. For a minute there, it looked as though the House was going to cut \$100 million from a \$400 million subsidy bill for the Corporation for Public Broadcasting. Then cooler heads—and the moldy oldie “Save Big Bird” appeal—prevailed, and the threatened funds were restored. Big Bird will get his subsidy. The decision comes amid unprecedented controversy in public broadcasting, which began when the Corporation’s chairman, Kenneth Tomlinson, had the nerve to suggest that some programs on PBS and NPR lean a bit to the left. Imagine that! Just because Bill Moyers has made all manner of far-left speeches to far-left groups and used his old program, *Now*, as a platform to denounce Republicans and their “radical agenda”—well, some misguided conservatives got the idea that PBS might not be completely fair and balanced. The very suggestion has angered the entire Democratic establishment, which has accused Tomlinson, a journalist with a long and distinguished résumé, of being a right-wing hack. And of course, Democratic lawmakers have demanded an investigation. Which brings us back to that threatened budget cut. If Congress had the courage to slash public broadcasting’s budget by, say, 100 percent, we wouldn’t be having this silly debate.

■ Political connoisseurs want to know, what’s the matter

with New York these days? Look at the field in the New York City Democratic mayoral primary. When front-running Bronx politician Freddy Ferrer isn’t playing the race card, as he did against Mark Green four years ago, he reverts to type, the inarticulate charisma hole. Harlemita C. Virginia Fields made waves only when a leaflet depicting her multiculti supporters proved to have the heads of two Asian-Americans photoshopped onto the bodies of two white folks. Archetypal white folk Gifford Miller spent \$1.6 million of the City Council’s money on mailings that essentially touted him. Rep. Anthony Weiner is defined by his name. No wonder Mayor Michael Bloomberg—a runty Republican who raised taxes, hounded smokers, and campaigned for an Olympic stadium no one wanted—seems safe. Is this the end of history, post-Giuliani? Has Gotham become Smallville? Jimmy Walker, where are you?

■ Conservatives—along with some liberals, such as those at the NAACP—have reacted ferociously to the Supreme Court’s decision in *Kelo v. New London*. Logan Darrow Clements, for one, wants sweet revenge. He’s proposing to seize Justice David H. Souter’s home in New Hampshire, and replace it with the Lost Liberty Hotel. His reasoning is the same as Souter’s in *Kelo*: The hotel will generate more tax revenue for Weare than the paltry \$3,000 Souter currently pays in property taxes each year. The proposed hotel includes a museum dedicated to the loss of American freedoms, copies of *Atlas Shrugged* in lieu of Bibles, and a restaurant with suggested fare such as “Revenge Soup (served cold),” “Commandeer Steer,” and “Souterkraut.” Clements is dead serious: He’s looking to turn the project over to a professional hotel developer, and he’s received so much attention and support that he’s now hiring underlings. Similarly, the town of Weare has been inundated by calls supporting the condemnation; many have also tried to book rooms at the non-existent hotel. A town official told the *L.A. Times* that Clements is unlikely to be successful, for “In New Hampshire, we really kind of consider our land a sacred thing, and no one can really fiddle with it.”

■ Tony Blair, speaking of the London bombings four days after they happened, blamed them on “Islamist extremist terrorists” who, in recent years, have struck “Madrid, Bali, Saudi Arabia, Russia, Kenya, Tanzania, Pakistan, Yemen, Turkey, Egypt, and Morocco, of course in New York on September 11, but in many other countries too.” That last phrase is the verbal parachute that allows him to say, yes, he does know there have been terror bombings in Israel. Is even New Labour, which has boldly fought al-Qaeda, the Taliban, and Saddam Hussein, so solicitous of the voters in Muslim ghettos in Britain that it cannot show sympathy for the I-word country?

■ The *Guardian*, Britain’s leading left-wing newspaper, has—naturally!—a policy of “diversity” in hiring newsroom staff. One of their recent “diversity” hires was a bright 22-year-old named Dilpazier Aslam, a British-born person of the Muslim persuasion. A few days after the London bombings, Aslam wrote a nasty little column taking a moral-equivalence line on the attacks, with many indignant references to Fallujah

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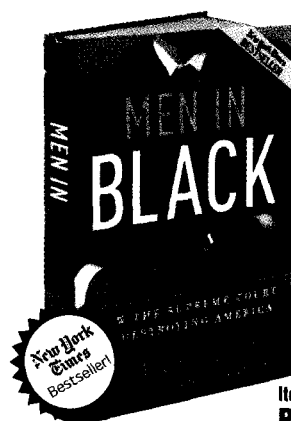
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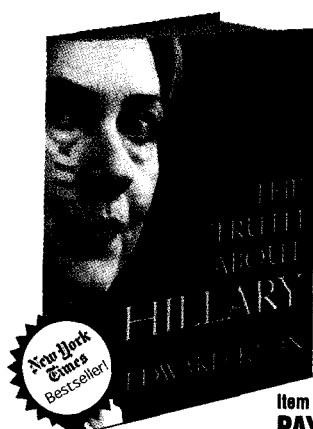
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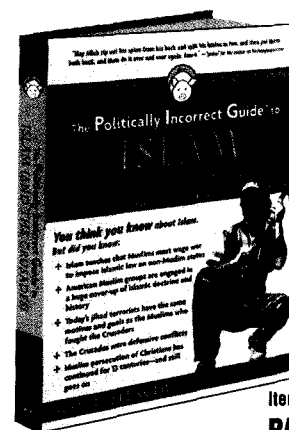
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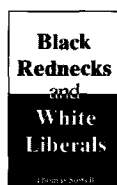
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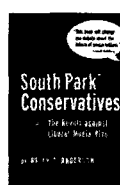
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THE WEEK...

and the weeping mothers of Iraq. Young British Muslims, Aslam exulted, are much more willing to rock the boat (a euphemism, presumably, for “blow up the bus”) than their cowed, compromising elders. A few days later we learned from an Internet blogger—and the *Guardian* confirmed—that Aslam belongs to Hizb ut-Tahrir (“Party of Liberation”), a jihadist faction seeking to establish a world Islamic state under sharia law. Hizb ut-Tahrir is illegal in several European countries, but not in Britain. The *Guardian* is refusing to fire Aslam, apparently because it is unwilling to take even the smallest step back from its treasured “diversity,” even when this diversity embraces ideologues who dream of a world as un-diverse as it could possibly be, and who see nothing wrong with terrorism as a means to advance their cause.

■ At an interview given on Bastille Day—the celebrated anniversary of a riot that precipitated decades of anarchy, mass murder, despotism, and war—Jacques Chirac, the president of France, unburdened himself of some opinions about the superiority of his nation to the uncouth and perfidious Anglo-Saxons. Clearly, he opined, in really important things like public health and relief for the poor, the French were better off than the British. When his interviewer gently pointed out that Britain’s economy is growing faster than France’s, with half the French unemployment rate, Chirac volleyed back with some carefully memorized statistics about government spending on scientific research and the like. Well, well, patriotism is the last refuge of a scoundrel, and Chirac desperately needs a refuge from recent misfortunes—his countrymen’s rejection of the EU Constitution, the loss of the 2012 Olympics to London, France’s continuing slide into stagnation and irrelevance. A storming of the Elysée Palace does not seem to be in prospect, but it is hard not to suspect, from his recent remarks, that in the privacy of his own chambers, Chirac is starting to get that Louis XVI feeling.

■ President George W. Bush and Indian prime minister Manmohan Singh met at the White House in a historic indication of common interest—and the U.S. government announced that it would allow nuclear-power technology sales to India. After independence, India had a long affair with socialism and preening neutralism. After 9/11, India and the United States recognized that they are multi-ethnic capitalist democracies, menaced by Islamic terror. Added fillip: English has been a language of the subcontinent almost as long as it has been a language of North America. India is more dynamic than any Middle Eastern state, or any combination of them—and potentially more dynamic than China. (Brussels should be as forward-looking as New Delhi.) For all the talk about how President Bush alienates our allies, he seems to know which allies count most.

■ Iranian journalist and political prisoner Akbar Ganji was on hunger strike for nearly 40 days before being transferred, shortly before this magazine went to print, from the infirmary

of Iran’s Evin prison to a Tehran hospital, apparently for emergency treatment. Ganji, one of Iran’s most beloved opposition figures and an organizer of the campaign for a referendum on the Iranian constitution, was sentenced to six years in prison in 2001, most notably for a series of articles he wrote implicating senior Islamic Republic officials in the murder of Iranian dissidents and intellectuals in the late 1990s. Observers reported that Ganji was in dire condition before entering the hospital, though Iranian officials, who initially denied he was on hunger strike, dismissed concerns about his health. In this, Iran’s clerics and their henchmen appear to have something in common with the mainstream American media, which have remained all too reticent about Ganji’s situation despite calls for his release from the Bush administration, several U.S. congressmen, and a slew of prominent intellectuals worldwide. The more attention the case receives, the less desirable the Islamic Republic’s choices: Bow to pressure and release Ganji, or continue to mistreat him and face the ire of the Iranian people and the world.

■ The regime of Zimbabwe’s Robert Mugabe is approaching North Korean levels of whimsical ferocity. As part of a campaign named Drive Out Rubbish, hundreds of thousands of people have lost homes and livelihoods as the government bulldozed shanty towns and markets. The homeless former residents must then fend for themselves. Not surprisingly, many of the former neighborhoods were strongholds of Zimbabwe’s political opposition. Call it gerrymandering, Mugabe style. “It puzzles all sane people,” said Pearson Mbalekwa, a former member of parliament from the ruling party.

■ Newspaper and wire-service sub-editors—the people who write the headlines and photo captions—live a dull and thankless existence for the most part. Once in a while, however, the humble sub is permitted to craft a thing of beauty and power that will linger in the minds of his readers for ever. These reflections were inspired by an exceptionally arresting headline displayed recently on the BBC News website: “China to send pig sperm to space.” The story is something about Chinese scientists seeking to improve porcine sperm motility via microgravity, but compared with the force of the headline, the story is pretty inconsequential. Or is it? The Chinese have a breezily pragmatic approach to the biological and human sciences, unencumbered by the ethical issues that vex Judeo-Christian cultures. Breeding pigs, breeding humans—what’s the difference? You and I are inclined to think there’s a world of difference, but this opinion is not universally held. In the years to come we should expect to see more headlines about the biological sciences in China. They won’t all be as risible as that one.

■ *Harry Potter and the Half-Blood Prince*, the sixth and penultimate installment of the Harry Potter series, went on sale one minute after midnight, July 16. It sold 6.9 million copies. In the United States. In the first 24 hours. This swells the 270 million copies the previous five books had already sold, worldwide. Hollywood should do so well (HP 6 beat the weekend take of *Charlie and the Chocolate Factory* and *Wedding Crashers*, the two top-grossing movies). Everyone yaks about the culture, J. K. Rowling did something about it. She got kids

Forbes FYI

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THE WEEK...

to read, and she told them about love and death and right and wrong. Moreover, she did it all in passing, spinning the story of a motherless child. Her readers, who have already finished HP 6, await the final installment.

■ There are three inanimate objects in this story. The first is a comet named Tempel-1, a glob of ice, dust, and rocks around half the size of Manhattan island. Object number two is a spacecraft named Deep Impact, roughly as big as a Volkswagen Beetle. Object number three is a detachable probe, smaller than the average coffee table, carried by Deep Impact. Well, on Independence Day this year, 268 million miles from Earth, Object Two discharged Object Three towards Object One. Three and One collided with a gratifying shower of rubble, duly photographed by Two. All this was, of course, in the name of science. Enter a human being, Ms. Marina Bai of Moscow, Russia. Ms. Bai is an astrologer by trade, and she has filed a suit against NASA in the Moscow courts for damages to her business arising from this contrived event up in the heavens. The collision of probe with comet, says Ms. Bai, “ruins the natural balance of forces in the universe.” She wants \$300 million in damages, the entire cost of the mission. It all sounds a bit frivolous to us—though, of course, only the kind of thing one must expect when Neptune is in Capricorn.

■ Christoph Cardinal Schönborn, the Catholic archbishop of Vienna, wrote an op-ed for the *New York Times* arguing that while the Church has no objection to “evolution,” that does not mean it accepts everything that travels under that name. The *Times* then ran follow-up stories on whether the Church was turning away from modern science. But the discussion is mired in confusion. The cardinal used some needlessly provocative, and some needlessly obscure, phrasing: “Evolution in the sense of common ancestry might be true, but evolution in the neo-Darwinian sense—an unguided, unplanned process of random variation and natural selection—is not. Any system of thought that denies or seeks to explain away the overwhelming evidence for design in biology is ideology, not science.” It should be obvious that “evolution” is not the only

word in this passage with a contested meaning. The merits of the cardinal’s argument turn also on the meaning of “random” and “design” (to say nothing of “ideology” and “science”). What he is saying, as we read him, is that various natural phenomena suggest, even if they do not prove, the existence of a Creator, and that the Church cannot accept any theory of evolution that precludes the role of Providence in the development of human life. Schönborn’s views, as expressed, are compatible with the possibility that God set a process of natural selection in motion for the purpose of creating mankind. The argument from design, theologically ancient, did not presuppose any biological facts that have been disproven. The Church will neither repudiate it nor put God in exile. It is somewhat astonishing that anyone expects otherwise.

■ John Hillen, an NR contributing editor, has been nominated by President Bush to be assistant secretary of state for political-military affairs. Hillen earned a Ph.D. at Oxford in international affairs, and a Bronze Star in the Persian Gulf War for his role in leading a cavalry unit that went into Iraq ahead of the main invasion force. We regret that our formal association with him will be suspended, but are delighted that the State Department is getting the services of such a solid conservative and fine foreign-policy mind.

■ Sir Edward Heath, the former British prime minister who has died aged 89, was at once an exemplar of our democratic age and a *dirigiste* anachronism. A carpenter’s son, Heath went up to Oxford, served honorably in World War II, and entered politics soon after it. His working-class background, which he preferred to leave behind, nonetheless came in useful in 1950s and ’60s Britain—a time of egalitarian ferment—and he became the first Conservative prime minister not to hail from the party’s quasi-aristocratic inner circle. His short premiership in the early 1970s comprised a series of catastrophes leavened by mere crises, for Heathian policy, in all things, consisted solely of surrendering to one’s opponents. After he yoked a reluctant Britain to the nascent EU, nationalized industries, and appeased every union, the voters ignominiously dispatched Heath—twice in one year, memorably. Margaret Thatcher, who promised to end Britain’s seemingly inexorable decline (and then led the party to three election victories), succeeded him as Tory leader. Heath’s decades-long loathing for “that woman” attained a perverse kind of epic grandeur. As his gracelessness, blustery self-regard, and bloody-mindedness continually reached new heights, Heath’s distrust of popular democracy convinced him that the Tiananmen Square massacre was a justified response to uppity demonstrators. R.I.P.

■ Gen. William C. Westmoreland, who commanded American forces in Vietnam from 1964 to 1968, died aged 91. Everyone knows why he failed in Vietnam; it’s just that everyone knows a different reason. The anti-war Left said he was fighting an evil war against a virtuous enemy. He said the politicians wouldn’t let him take the war against the enemy’s sanctuaries and supply lines in Laos, Cambodia, and North Vietnam. Military reformers, godfathers of today’s apostles of transformation, said our structure was too rigid. Westmoreland was leading an army of draftees against guerrillas who were the

THE TERROR, EXPLAINED

*It sports no Danton or Marat
Yet plots in any habitat.
Headless and tailless as The Blob
McQueen confronted, it's a job
Beyond the competence of Dems,
Whose rude asides and sly ahems
Confirm the only guy with push—
Elbows included—is George Bush.*



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THE WEEK...

clients of nuclear superpowers. If every battle is a defense of the high ground by Tony McAuliffe, while Jeb Stuart and Phil Sheridan lead the cavalry, then every battle will be a victory. Real battles are fought with the materials that history, ignorance, and chance deal you. R.I.P.

THE LAW

Trading Up

PRESIDENT BUSH's nomination of John Roberts to replace Justice Sandra Day O'Connor presents an opportunity to bring the Supreme Court's "constitutional law" closer to the Constitution, and to bring power closer to the sovereign people who ratified it.

Roberts's views on the hot-button issues that come before the Supreme Court are unknown. But by all accounts, he has a brilliant legal mind, a judicious temperament, and generally conservative views. He will, almost certainly, be an improvement on his predecessor.

Prior to his appointment, Democrats were urging the president to pick a "consensus" nominee. This was always a trap. Whether a nominee counts as a consensual choice depends, after all, on whether the Democrats choose to accept him. Sen. Richard Durbin of Illinois has already declared that Roberts is "controversial." Translation: If Durbin rejects Bush's choice of Roberts, Bush and Roberts are the divisive ones. In truth, Roberts is as well-respected a nominee—with as much support from Democratic legal heavyweights—as a Republican president could possibly pick. He was confirmed by unanimous consent to his current position on the D.C. Circuit Court of Appeals. But if Bush is not spoiling for a fight, neither is he shrinking from one.

Other Democrats pledged to conduct thorough hearings on Roberts. By all means. It would be useful to hear Judge Roberts explain his judicial philosophy. Our own view is that the chief qualification for a justice is a commitment to the rule of law. The rule of law entails predictable, because rule-bound, judicial decisions. It entails respect for the intentions of the sovereign people who ratified the Constitution and who ratified the amendments to it: If what they ratified needs to be changed, change should occur through a lawful process of amendment rather than judicial revision. It entails some respect for precedent, but does not confuse the stability of the Court's jurisprudence with fidelity to the Constitution.

Originalism will not always yield conservative policy victories, but it will do so more often than not. This predictable pattern should not be considered scandalous, or evidence of bad faith on the part of conservative advocates of originalism. Progressives have been telling us for more than a century that the original Constitution was inadequate and devising theories to justify judicial departures from it, and most of those departures have been in the direction of liberalism. Rolling back those departures will tend to advance the relatively conservative political ideas that the Founders put in place, if only by returning to the people control over issues

that the judiciary now decides in favor of liberalism.

Roberts's sterling professional qualifications are not in question. If he holds and defends a philosophy along these lines, the Senate should confirm him.

AT WAR

The Battle for Britain

'HIS was the English pluck, and there is no tougher or truer, and never was, and never will be." Walt Whitman wrote that of the British sailor when he was our enemy during the Revolutionary War. Everyone thought it of ordinary Londoners after 7/7. They stoically pulled themselves out of rubble and blasted subway stations, and by the next day had returned to their business.

The authorities showed their mettle too, with a combination of well-laid contingency plans and intelligent improvisation. They used buses, which were readily at hand, to deliver the wounded to hospitals rather than waiting for ambulances. And knowing that the Madrid bombings had been triggered by mobile phones, they shut down the mobile-phone system all over the city.

A jihadist website claimed, wrongly, that Britain was "burning with fear and terror." That hope had been nourished by the election victory of Spain's socialists three days after last year's Madrid bombing. When the new government withdrew Spain's troops from Iraq, the terrorists inevitably chalked it up as a concession, a suing for peace. In contrast, Tony Blair and the Tory opposition both struck a note of determined defiance.

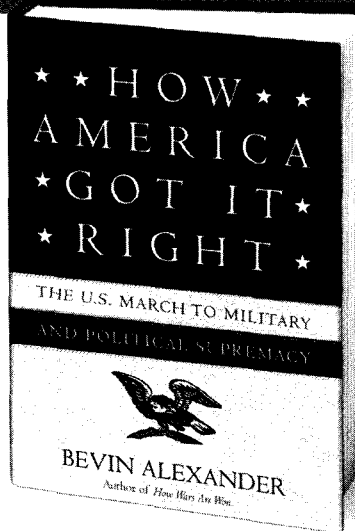
But two long-term trends are not amenable to the stiff upper lip. Britain, even more than the United States, has an anti-war movement that spans Left and Right. George Galloway, the Saddamite MP, is its Oswald Mosley face, both comic and menacing. But it is well-entrenched in a portion of the political, academic, and chattering classes. It controls the BBC. Britain, it says, suffered because it followed George Bush into Iraq (the bolder add, and into Afghanistan). How then explain 9/11? Or 9/11's dry-run, the 1993 bombing of the World Trade Towers? Jihadists and Islamofascists hate Britain and America equally because we are rich, powerful, unveiled, and free. The only way we can manage not to provoke them is not to exist. Western self-hatred is such that Bush and Blair must repeat this, over and over.

Western self-hatred has another consequence—the proliferation of unassimilated Islamic Bantustans in Britain and Europe, even more than in the United States. The perpetrators of 7/7, unlike their 9/11 role models, were not Saudi students abroad; they were Britons who had been seduced into the Islamist death cult. They walked through the door of treason and mass murder of their own free will. But it was opened for them by feckless immigration policies, ethnic pandering, and welfare-state anomie. Supporters of the Iraq war are fond of an engineering metaphor—draining the swamps of terror. Those swamps aren't only in the Middle East.

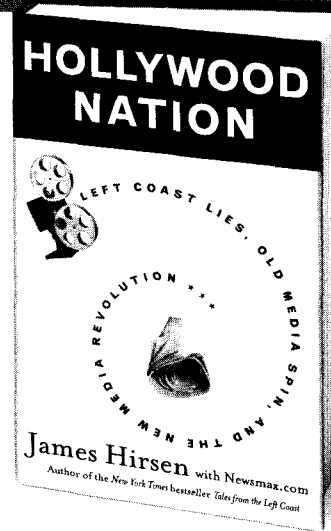
Ordinary bravery, intellectual clarity, putting our own house in order—all these are necessary components of the terror war. America and Britain also need clear and visible victories—terrorist groups broken up, would-be assassins captured, terrorist leaders tried and executed. We know—indeed, we never

PLEASE LOOK TO THE RIGHT... THERE'S NOTHING OF CONSEQUENCE ON THE LEFT.

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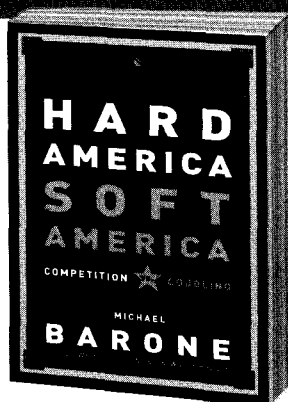


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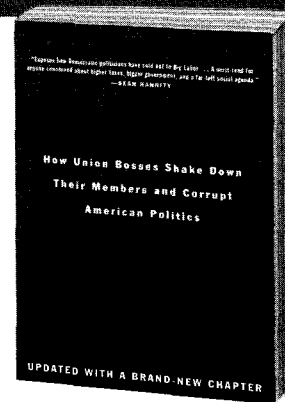


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THE WEEK...

doubted—that Britain, like America, could take it. But Britain and America also have to dish it out.

POLITICS

Plame Out

A GOOD summer scandal in Washington moves fast, with every day bringing additional details that make the story juicier. The sorry saga of Karl Rove's supposed exposure of covert CIA agent Valerie Plame does not fit the bill. The juice seems to drain from this story with each new report. *New York Times* columnist John Tierney calls the scandal "Nadagate." Even past his prime, Kevin Costner won't appear in a movie version.

Special prosecutor Patrick Fitzgerald continues to investigate, so it is premature to say that Rove has been vindicated. But what we have learned lowers the likelihood that Rove did anything criminal, or even wrong.

In the summer of 2003, former ambassador Joseph Wilson wrote an op-ed for the *New York Times* stating that his official fact-finding trip to Niger the previous year had uncovered no evidence that Saddam Hussein had acquired uranium from that country. The president had nevertheless claimed in his 2003 State of the Union address that British intelligence had learned that Hussein had sought uranium from Africa (a claim that British intelligence stands by, incidentally). The president, supposedly, had lied.

When Robert Novak reported that Wilson's wife, Valerie Plame, was "[a CIA] operative on weapons of mass destruction" who had played a role in sending Wilson to Niger, the Bush administration's foes charged that the White House had outed her as a covert operative as a way to punish Wilson for causing it trouble. But we have now learned that a few days before Novak's column appeared, Karl Rove told Matthew Cooper of *Time* that Wilson's wife worked for the CIA. We have also learned that Novak talked to Rove about Plame, mentioning her name and her role in sending Wilson to Niger. Rove told Novak, "I heard that, too."

Based on what we know, it appears exceedingly unlikely that Rove committed any crime. The statute that criminalizes the disclosure of covert operatives' identities is narrowly worded. For Rove to have broken the law, he would have had to have known that Plame worked undercover and that the CIA was taking active steps to conceal her identity. In truth, the CIA seemed to be taking more active steps to undermine Bush's Iraq policy than to conceal Plame's identity. Indeed, according to one report the CIA had already inadvertently blown Plame's cover years earlier. So far, we have no reason to think that Rove knew that Plame was a covert agent—if indeed she was at the time, which we also do not know. Novak says that he did not think that Plame was a covert agent, and would not have reported her name if he did.

EDITOR'S NOTE: The next issue of NATIONAL REVIEW will appear in three weeks.

The context of Rove's conversation with Cooper, as relayed in an e-mail from Cooper to colleagues, also tends to undercut the theory that he was trying to punish Wilson. Rove told Cooper not to believe everything Wilson said. (The wisdom of that warning has been amply documented over the last two years. In sending a reckless and deceitful partisan to Niger on his wife's recommendation, the CIA displayed an alarming incompetence.) Wilson had made it sound as though the vice president's office had asked for him to make his trip. (See, for instance, Nicholas Kristof's May 6, 2003, column in the *New York Times*.) Rove appears to have brought up the fact that Wilson's wife had suggested him in order to minimize the White House's role in his trip. That context does not affect his legal position, but it does tell against the claim that Rove was trying to punish Wilson.

If it was Cooper who initiated the call and brought up the Iraqi-weapons issue—as Rove's lawyer tells NR's Byron York—then the claim that the White House was out to punish Wilson is undercut further. We do not know who Novak's original source was. Nor do we know who was the source for Judith Miller, a *New York Times* reporter who is in prison for refusing to reveal him.

This may turn out to be a case of errors of judgment, not of malice. Rove may have played an inadvertent role in the disclosure of a covert operative's name. White House spokesman Scott McClellan, meanwhile, has made misleading statements about Rove's involvement in this case. We do not know whether those statements were deliberately misleading or uninformed.

Rove's lawyer told York that Fitzgerald has asked Rove not to comment on the investigation. At the appropriate time, Rove and McClellan may owe some apologies. But we doubt that there will be firing offenses here, still less indictable ones. Democrats searching for a way to oust the man who has done more than anyone but President Bush to win the last three elections, and reporters on the hunt for a big second-term scandal, will have to look elsewhere.

PUBLIC POLICY

Humane Alternatives

As the Senate prepared to vote on whether to fund research that destroys human embryos, some senators and journalists began to pay attention to newly proposed alternative courses of research. The president's bioethics council, chaired by Leon Kass, has considered four methods of obtaining stem cells that do not involve the destruction of human embryos.

Of those four methods, two have attracted the most interest. Council member and Stanford professor William Hurlbut proposes the creation of biological entities that could serve as sources of stem cells but would not be human organisms. These entities would be disordered growths, lacking the capacity to organize themselves and to direct their own development. Another proposal would "reprogram" somatic cells, such as skin cells, so that they could serve as sources of stem cells. In both cases, it is thought that the stem cells would have very similar properties to stem cells taken from human embryos.

There are practical concerns about these proposals. Hurlbut's proposal would have to be tried on animals before human beings: It would be necessary to establish that the

researchers could reliably create non-embryonic entities, as opposed to seriously disabled embryos. It would also have to be established that research would not involve the exploitation of women for their egg cells (a problem that is equally present in stem-cell research involving human cloning). Whether either approach is feasible is not yet known. But in principle, these research strategies deserve support. They could lead us to greater medical knowledge, and to cures, without injustice. If it is possible to yield the therapeutic benefits promised by embryonic-stem-cell research without killing any embryonic human beings, everyone should be able to see the value of following this non-divisive path.

The principled objections that have so far been raised to this research lack merit. First, it is suggested that there is something creepy about deliberately creating disordered growths—tumors, as it were—for research purposes. Second, it is said

that creating such growths would put us on a slippery slope to less ethically defensible research. But these objections are typically made by people who believe that it should be legal to create human embryos for research purposes. How can it be permissible to create and then kill human embryos, but not to create and then destroy entities that are not human beings?

Third, it is said that these sources of stem cells are speculative and killing embryos would allow for faster progress. But the therapeutic benefits of embryonic-stem-cell research are speculative, too. If there are no ethical objections to killing human embryos, then by all means we should proceed with it—although even in that case, we might decline to make taxpayers who oppose it complicit in it. If there are, as we believe, sound reasons to uphold the sanctity of human life and the equal right not to be killed of all human organisms, then we should not abandon that principle in haste. If ethical



In the photo he stands at ease, a handsome man in a suit and tie and exuding executive amiability, in a sea of beaming, bare-armed co-eds in sundresses and flip-flops. The dissonance between the cut of George Bush's presidential jib and the flat-footed décolletage surrounding him is not quite as striking as that between Robert Palmer and his sulking supermodels in the old music video, but it comes close.

"FASHION FOOTNOTE: 'YOU WORE FLIP-FLOPS TO THE WHITE HOUSE?!'" ran the headline in the *Chicago Tribune*. It reflected the horror of a brother of one of the members of Northwestern University's championship-winning lacrosse team at the sight of his sister's bare toes.

Four of the nine teammates photographed in the front row with President Bush were wearing flip-flops, with all the stumpy-legged informality such footwear ensures. The girls didn't have a clue that there might be anything inappropriate about their attire. Evidently their older chaperones didn't, either.

You would think that well-brought up young women would know that flip-flops are inappropriate for any remotely formal event; flip-flops are for the beach, poolside, and, if you *must*, errand-running. Alas, no. Perhaps no one is bringing them up.

But there I go, sounding like one of the "older women" now being brought in to acquaint Capitol Hill interns with the fundamentals of respectable dress before they arrive in Washington. Chad Pergram, who runs a Washington internship program out of Ohio, recently told *The Hill* newspaper he

finds it necessary to label each intern's daily schedule according to the formality of clothes required (D for Dressy, BC for Business Casual, C for Casual, and VC for Viet—oops, sorry, for Very Casual). He instituted this system after a cringe-making lunch with an Ohio lawmaker to which an intern arrived in a miniskirt and . . . flip-flops.

It is obvious from a stroll through any mall, or along the National Mall, that relatively few parents now bother to intervene in what their children wear, unless it is maybe to pay for their \$175 low-rise jeans.

No one is handing down the proper knowledge because parents are so desperate to be cool with their children—and because they're so desperate for their children to be cool and popular. Instructing young women in the suitability of their clothes means having to exercise taste and judgment, and *that* can mean having to say "No," or even, "I forbid you to leave this house looking like a trollop." Modern adults find putting any brakes on hipdom excruciatingly difficult. That is why insisting on a certain elegance in dress—such as, say, demure, closed-toe heels for White House events—is becoming as retrograde as explaining how rings are worn with tea gloves, or when a lady should remove her veil.

Do you think we can blame President Clinton? Why not? It was he, after all, who allowed himself to be photographed in the Oval Office in teensy running shorts and all dripping with sweat. If the president cannot be bothered to make an effort in order to show respect for his surroundings, why on earth should not pretty college athletes choose airy, comfy, flip-floppy flats for a photo-op with his successor?

It's not certain, even after a media kerfuffle and the avowed mortification of their relatives, that the Northwestern Wildcats understand they made a bad choice in wearing sundresses and flip-flops to the White House. Two of the girls told NBC their plan to turn the incident to a charitable advantage: They're auctioning off their offending flip-flops on eBay.

—MEGHAN COX GURDON

Too Flip

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aware of our shared humanity and the wisdom and vision of others.

- Music allows us to transcend our own world and partake in utterly different realities.
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“Music, like any pseudo-science, requires an adjectival palette by which we can isolate events that without proper terms we might not even be able to notice. It’s an interesting question to what degree language allows us to perceive things that are not language-associated. I’m a strong believer that if you’ve got the right word to identify something, you can perceive it. I think my favorite pseudo-science when it comes to this kind of thing is wine-tasting, where one has to come up with an adjectival palette that is almost a cartoon unto itself. But silly as these phrases may be—‘Oh, this has a hint of young tobacco, and old oak fragrant with raspberries’—silly as these terms are, they allow us to draw distinctions without which we may not be able to draw at all. So we will create a useful vocabulary.”

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"Hector Berlioz begins writing the *Symphonie Fantastique* in 1829 and he completes it in 1830, the same year he graduates from the conservatory, so he's only 27 years old and is still learning his craft at this time.

"The *Symphonie Fantastique* is an experimental artwork if there ever was one. It is an absolutely avant-garde piece of music. It attempts to unite the four great loves of Berlioz's life, as he felt them then and as they continued to be throughout his life. Those four great loves, in no particular order, are: first, Shakespeare's plays and Shakespeare's sense of drama; second: Beethoven's symphonies, which Berlioz worshipped; third: opera, which Berlioz lived for; and we must not forget the fourth great love of Berlioz's li: himself. It's a very autobiographical work. Again, we have to understand that autobiography is very typical of the self-involvement and expressive self-indulgence of the 19th- and indeed, the 20th-century artist."

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About Your Professor

Professor Robert Greenberg, formerly of San Francisco Conservatory of Music, is currently music historian-in-residence with San Francisco Performances. He earned a Ph.D. in music composition from the University of California at Berkeley. He has performed, taught, and lectured across North America and Europe. His awards include three Nicola De Lorenzo Prizes in composition, three Meet the Composer grants, and a commission from the Koussevitzky Foundation of the Library of Congress. He has composed over 40 instrumental and vocal works.

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restraints on human experimentation must be cast off as long as people are suffering, then there will be no ethical restraints.

Finally, some conservatives worry that devising methods of getting quasi-embryonic stem cells will cause people to scant the potential of adult-stem-cell research. But research should

proceed wherever it ethically can. The new proposals are a creative way around an ethical impasse. If there is enough good will on all sides, we can, as council member Robert P. George has written, "bring to a close—honorably and without rancor—a divisive chapter in our recent history."

notes & asides

■ Memo

To: WFB

From: Dorothy McCartney

Did you see the article by Bill Steigerwald in the *Pittsburgh Tribune-Review*, headlined "Rothbard Nailed the GOP Drift"? Here is what Steigerwald wrote. You may want to comment:

Why has the party of Lincoln—which once stood for a small, constitutional government that kept its hands off most things at home and minded its own business abroad—become the party of Roosevelt and Wilson? . . .

Some say Republicans have merely fallen in love with power. Or that their party has been hijacked by the neo-conservatives, those brainy ex-liberal Democrats who took us crusading in the Middle East and never stopped adoring Big Momma Government.

Whatever it was that turned Republicans bad, it didn't begin after 9/11.

In 1968, Murray Rothbard, the late, great economist/historian, was bashing the unhealthy leftward drift of the American Right, which he argued had already abandoned its "determined opposition to Big Government" and "become the conservative wing of the American corporate state and its foreign policy of expansionist imperialism." . . .

An enemy of every inch of the welfare-warfare state, Rothbard especially was displeased with the aggressive anti-Communism of William F. Buckley Jr., whose *NATIONAL REVIEW* magazine in 1955 became the official clubhouse of the post-WWII "New Right" and ideological incubator of the Reagan Revolution.

Rothbard's excellent essay, posted at lewrockwell.com, includes a quote from a 1952 *Commonweal* magazine article by Buckley that spelled out what winning the Cold War was going to cost Americans.

While calling himself a libertarian, Buckley posited that the Soviet Union posed such an imminent threat to our security that we had "to accept Big Government for the duration . . . for neither an offensive nor a defensive war can be waged . . . except through the instrument of a totalitarian bureaucracy within our shores."

We must therefore all support "large armies and air forces, atomic energy, central intelligence, war production boards and the attendant centralization of power in Washington," wrote Buckley.

Memo

To: Dorothy

From: WFB

That passage from my article in *Commonweal* in January 1952 is every now and then quoted, almost always in the fever swamps, to suggest that I have really been a hidden socialist during the past 50 years. If this were so, I think I could claim the most extensive deception in modern history, in which the readers of *NATIONAL REVIEW* have been complicit by accepting my false pretenses.

The essay I wrote for *Commonweal* was the most libertarian stretch of prose I have ever committed. It required the self-delusion of Murray Rothbard (and the indiscrimination of Lew Rockwell, Inc.) to transform it into a declaration of sympathy with statism. I was addressing in *Commonweal* the election that would take place at the end of the year. The piece was called, "The Party and the Deep Blue Sea." I lamented the weaknesses of the GOP. The subheading given to the article by the editors of *Commonweal* read "Ideally, the Republican Platform should acknowledge a domestic enemy, the State."

How's that for a socialist declaration?

I did write the words Steigerwald and

Rothbard quote. But I wrote them in a particular context, which I herewith supply:

The most important issue of the day, it is time to admit it, is survival. Here there is apparently some confusion in the ranks of conservatives, and hard thinking is in order for them. The thus-far invincible aggressiveness of the Soviet Union does or does not constitute a threat to the security of the United States, and we have got to decide which. If it does, we shall have to rearrange, sensibly, our battle plans; and this means that we have got to accept Big Government for the duration—for neither an offensive nor a defensive war can be waged, given our present government skills, except through the instrument of a totalitarian bureaucracy within our shores. The question is raised: Does it make a great deal of difference if we lose our freedom to a Georgian bandit or to a Missouri ignoramus? The question is a good one.

Still and all, our chances of ultimate victory against an indigenous bureaucracy are far greater than they could ever be against one controlled from abroad, one that would be nourished and protected by a worldwide Communist monolith.

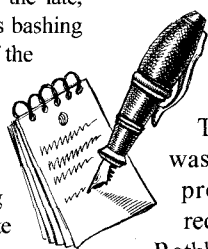
Thus, many conservatives, and many Republicans, have got to think this problem through. And if they deem Soviet power a menace to our freedom (as I happen to), they will have to support large armies and air forces, atomic energy, central intelligence, war production boards and the attendant centralization of power in Washington.

We had all those, and we won the war.

It is a measure of my opposition to statist activity that I should have referred to it as "totalitarian." Wrong word, I think, but the perspective of this 26-year old conservative was that such activity as the draft was totalitarian.

Anybody who wants to see the whole article can find it in the January 25, 1952 issue of *Commonweal*. Or contact lewrockwell.com and demand a copy. Or—we'll send one free, but send a self-addressed stamped envelope.

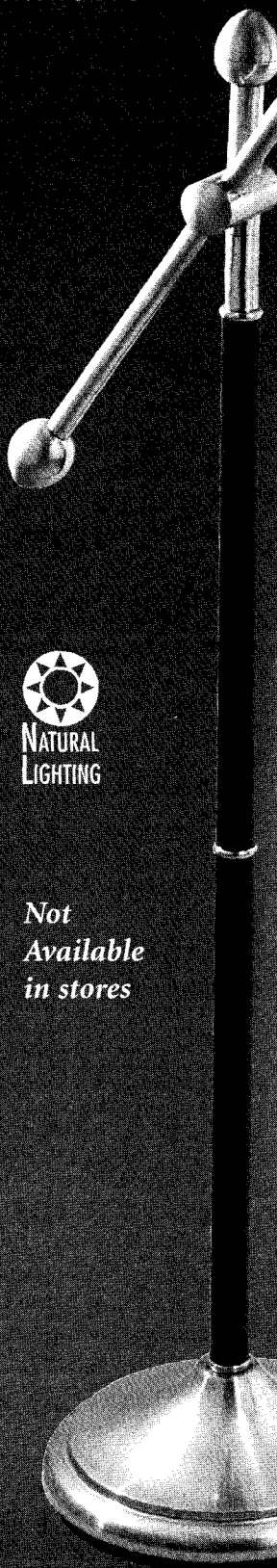
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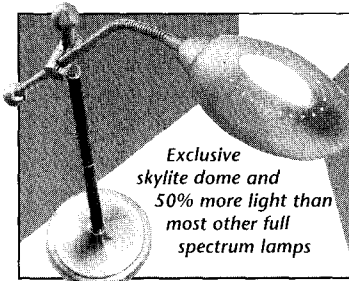
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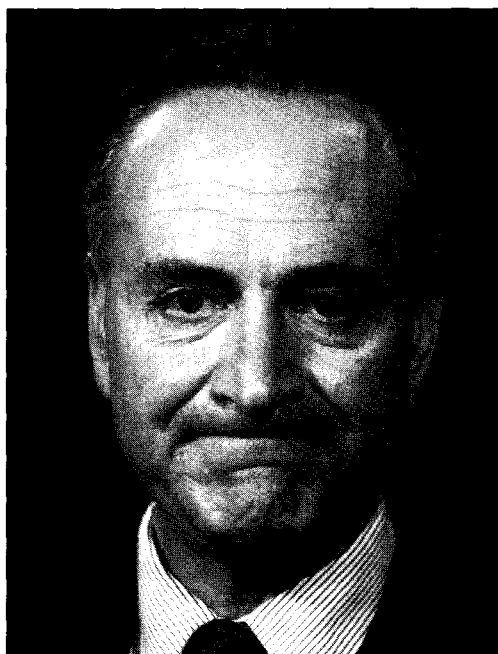
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■ THE JUDICIARY ■

The Inquisitor

Charles Schumer, leader of the anti-Bush crusade

JOHN J. MILLER

MINUTES before the Senate Judiciary Committee began hearings on the nomination of Miguel Estrada to the federal bench in 2002, Democratic senator Chuck Schumer of New York was introduced to Estrada's mother. She informed the senator that when she was living in New York four years earlier, she had voted for him over the incumbent Republican, Alfonse D'Amato. "I hope you'll repay the favor," she added.

Schumer chuckled at her request. He took his seat, gaveled the hearing to order, and delighted in proclaiming her support. Then he proceeded to do everything in his power to avoid repaying the favor: He demanded sensitive documents, gave voice to accusations that Estrada was a right-wing nutjob, and speculated about the nominee's honesty: "I think we have some credibility problems here." At one awkward moment during his persistent badgering of Estrada, the senator snapped: "This takes a yes or no answer if you're

being truthful with this committee."

This colorful performance was vintage Schumer—hungry for whatever scraps of publicity Estrada's mother might confer upon him, but also committed to the crafty partisanship that has made him one of the Senate's most belligerent Democrats. "There's a lot we do not know about Miguel Estrada," Schumer said at the hearing—even though Schumer himself apparently knew enough to condemn the man, just a few days earlier in *The Nation*, as "a Stealth missile—with a nose cone—coming out of the right wing's deepest silo."

Chuck Schumer is New York's *other* liberal senator. Whereas Hillary Rodham Clinton may be more important to her party's long-term ambitions, Schumer is undoubtedly more significant to its near-term goals: He is perhaps the key Democrat sitting on the Senate panel that soon will weigh in on the nomination of Judge John G. Roberts Jr. to fill the first Supreme Court vacancy in more than a decade. In this regard, he is more impor-

tant than chairman Patrick Leahy, more critical than attack-dog Ted Kennedy. "He's the smartest guy they've got," says Todd Gaziano of the Heritage Foundation.

There may not be a better embodiment of the career politician than the 54-year-old Brooklyn native. After scoring a perfect 1600 on his SAT test, Schumer went off to Harvard and stayed there through law school. Returning home, he decided to skip the bar and run for the state assembly instead. He was all of 23 years old at the time. He won that election, in 1974, and has been on the public payroll ever since, never losing a race as he climbed his way up from the backbenches of Albany to the U.S. House of Representatives in 1980 and, finally, to the Senate in 1998.

It's possible that Schumer won that initial Senate election because he had the good fortune of being called a "putzhead" by his GOP opponent. In what was perceived to be a nip-and-tuck race, the media had a field day as D'Amato first tried to deny using the Yiddish slur, but then was forced to admit that it had in fact escaped his lips. His campaign never recovered.

And Schumer never looked back. For his re-election last year, he raised more money than any other politician in the country except for George W. Bush and John Kerry—an impressive display of financial hustle that scared off just about every potential Republican candidate. Even his critics credit him with boundless energy. "The guy is tenacious," says one New York politico. "A shark can't stop swimming, and Schumer can't stop giving press conferences." When Steven Malanga of the Manhattan Institute wrote a *Wall Street Journal* op-ed proposing that Miguel Estrada challenge Schumer in the 2004 election, the senator actually rang him up. "He wanted to berate me and tell me how wrong I was about this terrible ideologue," says Malanga. "He didn't seem to understand that I was half-joking."

Press conferences and phone calls give Schumer the opportunity to pursue one of his favorite pastimes: grandstanding. He first gained notoriety in Washington with his brash crusade for gun control. "We are going to hammer guns on the anvil of a relentless legislative strategy," he declared in 1993, hours after a Long Island shooting. "We are going to beat guns into submission." Schumer can be especially strident on abortion. When Congress was

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debating a bankruptcy bill, he pushed an amendment to ban pro-life activists from avoiding fines by declaring themselves insolvent. These special rules would not have applied to animal-rights protesters or anyone else, and the controversy surrounding them wound up blocking a piece of sensible legislation for years. (It finally passed in March, without Schumer's meddling.)

Politicians are often good at hogging the spotlight, but Schumer is one of the best. It is a Beltway cliché to say that the most dangerous place in Washington is between a television camera and such-and-such a lawmaker—but the comment has been made about Schumer with more frequency than anybody else. "Sharing a media market with Chuck Schumer is like sharing a banana with a monkey," said Democratic senator Jon Corzine of New Jersey earlier this year. "Take a little bite of it and he'll throw his own feces at you."

Years ago, Hill staffers invented the verb "to Schume," which means to take credit for the accomplishments of others. This usually assumes the form of legislative boasting, but former Republican congresswoman Susan Molinari once described a particularly audacious version of it. She and Schumer used to appear together on a local TV program dedicated to New York politics. On the day Molinari was planning to tell viewers that she was pregnant, she got Schumed: Before she could say anything, Schumer hauled out a baby gift. "I was announcing being pregnant," Molinari complained to the *New York Times*, "and Chuck stole the line."

Recently, Republicans have been stealing lines back from Schumer. That's because before the Bush presidency, he spoke forcefully on the urgent necessity of confirming judges with all deliberate speed. In 2000, Schumer said that the GOP-controlled Senate was taking too long to debate the qualifications of President Clinton's nominees. "I also plead with my colleagues to move judges with

alacrity—vote them up or down," he said. "This delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo."

Since Bush's election, however, Schumer has been all about mockery, doing his best to keep limbo fully populated with Bush nominees. (Estrada dwelled there for more than two years before he withdrew.) Unfortunately, these holdups haven't improved any of the debates over qualifications. Schumer's own contributions have been notably lacking in high-minded

objectivity. "He's willing to say anything," says one senator on the Judiciary Committee. When Janice Rogers Brown came before them in 2003, for instance, Schumer ignored the fact that California voters had elected her overwhelmingly to the state supreme court, and branded her a radical: "It's obvious to me that many of the president's judicial nominees want to return us not just to the 1930s, but to the 1890s," he said. This spring, as GOP senators discussed ways to break Democratic filibusters, Schumer unleashed even hotter rhetoric: "The ideologues in the Senate want to turn what the founding fathers called the cooling saucer of democracy into the rubberstamp of dictatorship."

He added that Republicans "want to make this country into a banana republic."

Yet Schumer has done far more than pop off in front of microphones. He has embarked on a careful strategy of blurring the fundamental distinction between judging and politicking. In 2001, he chaired Judiciary Committee hearings on whether ideology should play a more open role in confirmations. Previously, senators have focused on the professional qualifications of court nominees rather than their political beliefs, which is why a known liberal such as Ruth Bader Ginsburg was able to

secure a spot on the Supreme Court with only three Republicans voting against her. With Bush in the White House, however, Schumer decided to try changing the ground rules. One of his mentors in this exercise has been University of Chicago law professor Cass Sunstein, author of the forthcoming book *Radicals in Robes: Why Extreme Right-Wing Courts are Wrong for America*.

If Democrats want to evaluate nominees on their legal views, Republicans shouldn't object. What Schumer proposes doing, however, is evaluating nominees on their political preferences. This is something else entirely, and it is a natural outgrowth of legal realism, an academic movement that claims laws aren't neutral rules so much as tools of power. By the time Schumer sat in Harvard's lecture halls, variants of this idea were firmly entrenched there—and it is the chief intellectual doctrine behind the judicial activism that liberals applaud and conservatives abhor. It essentially says that judges are no less political than politicians. Therefore, confirmation hearings should not be dispassionate episodes of advice and consent, but raucous quasi-elections that engage the interests and urges of the public. (Taken to its logical endpoint, this school of thought ought to demand that Supreme Court justices appear on national ballots—something that Brigham Young University professor Richard Davis actually calls for in his new book, *Electing Justice*.)

Schumer cloaks these views about ideology by saying he simply wants to avoid extremes. "People on the far left [and the] far right want to make law," he said on *Meet the Press* in July. "Neither of them should be on the bench." The presumption, of course, is that senators possess the impartiality to determine what's mainstream and what's not. "If he thinks that he can set aside his liberal ideology and make these choices," asks Republican senator Jon Kyl of Arizona, "then why can't judges do the same when they're ruling on the law?"

Perhaps Bush nominees should just start saying that they plan to apply the same Solomonic wisdom that Schumer claims to bring to his own job—in a sense, they could Schume Schumer.

On second thought, maybe that's not such a good idea. **NR**

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■ POLITICS

Operation Get Rove

A misguided—and bungling—lynch mob

BYRON YORK

KARL ROVE certainly doesn't act like a guilty man. Caught in the middle of the "Plamegate" leak investigation, accused of "smearing" Bush critic Joseph Wilson and "outing" Wilson's CIA-agent wife, Valerie Plame, Rove has been going about his normal duties at the White House; people close to him say his daily schedule is packed, as always, with matters like judicial nominations, Social Security, and general White House stuff. His lawyer tells NATIONAL REVIEW that Rove has been assured by prosecutor Patrick Fitzgerald that he is not a target of the investigation. Rove has testified before the grand jury three times. And he has released any reporter who talked to him about the Plame/Wilson affair from any pledge of confidentiality.

It's not exactly the profile of a man with something to hide. Yet in spite of it all, Rove has emerged as Target A of the coalition of Democratic lawmakers, liberal pundits, and left-wing activists who have decided that Plamegate is their best shot—for now, at least—at the Bush administration. And they've been taking that shot, over and over and over. Harry Reid, Hillary Rodham Clinton, John Kerry, Paul Krugman, MoveOn.org—they're all in the fight.

At times, the rhetoric has become slightly surreal. "The bottom line is, there's a traitor in the White House who betrayed America and the war on terror right under George Bush's nose," former Al Gore spokesman Doug Hattaway said on CNN recently. He was referring to Rove. Executives at the liberal radio network Air America liked the phrase "traitor in the White House" so much that they created an anti-Rove fundraising campaign around it. And one of the net-

work's hosts recently asked New Jersey Democratic senator Frank Lautenberg, "Karl Rove is guilty of treason, isn't he?" Lautenberg said, "Yes, I think so."

The Republican National Committee has fought back, not only defending Rove—there is no evidence that anybody knows of to suggest he broke the law—but also pointing out that some of the things that Wilson has said in the past did not turn out to be, uh, true. For example, they pointed to something Wilson wrote in his book, *The Politics of Truth*, about the way he was chosen for the Niger fact-finding mission that is at the center of the scandal. "Valerie had had nothing to do with the matter," he wrote. "She definitely had not proposed that I make the trip." But Republicans cited the Senate Intelligence Committee's bipartisan report, which detailed how Wilson's wife "suggested his name for the trip" and also wrote a memo highlighting his qualifications for the mission. "This is not somebody who has got a good record of being the source of accurate information," said RNC chairman Ken Mehlman.

Then there was the question of whether Wilson was motivated, at least in part, by partisanship. On July 14, Wilson appeared in the Mansfield Room in the Capitol for a joint news conference with New York Democratic senator Charles Schumer, a man not known for his embrace of nonpartisanship. But even in such a setting, Wilson seemed offended at the very idea that anyone might attribute a political motive to his actions.

"This is not a partisan issue," Wilson told reporters as Schumer looked on, "and for the RNC to try and turn this into a partisan fight, I think, is unfortunate." Wilson also thanked Schumer for treating Plamegate "as a matter of principle, not as a matter of partisanship." Schumer, too, agreed that Wilson was not acting out of partisanship.

Despite those assurances—and who wouldn't believe Schumer on such a matter?—Wilson gave his critics even more ammunition when he agreed to appear at "Rovegate/DSM" house parties organized by the Bush-bashing Michigan Democratic representative John Conyers. ("DSM" refers to the Downing Street Memo, which has become a sacred text to Conyers and his anti-war allies.) Scheduled to appear along with Wilson was Randi Rhodes, the Air America personality who has used her program to express her wish that George W. Bush be killed.

All in all, Wilson's behavior—and that of some of his supporters—is the gift that keeps on giving for administration allies. But the White House has made mistakes of its own in handling the Plamegate matter, and those mistakes have greatly complicated its ability to fight back. Foremost among them has been the administration's failure to get its story straight on what Rove did and did not do. At various times, White House



DARREN GYI

spokesman Scott McClellan has veered between saying that Rove has not committed any crime—an assertion that appears to be true—and claiming that Rove had nothing to do with the original leak at all. “If anyone in this administration was involved in it,” McClellan said in a now-famous 2003 briefing, “they would no longer be in this administration.”

But in early July it became publicly known that Rove had been involved in it, at least in the broadest sense—back in July 2003 he talked to the journalists Robert Novak and Matthew Cooper about Wilson. That allowed White House critics to pivot away from the issue of whether Rove broke any laws to the question of whether the White House has told the truth.

What makes the situation frustrating for White House defenders is that in addition to his Rove-had-nothing-to-do-with-it statements, McClellan has also made a number of carefully worded statements that, had they been repeated faithfully by the White House, would have avoided some of today’s problems. For example, during a contentious briefing—there have been a lot of those—back in October 2003, McClellan was asked, “Did Karl Rove or others have conversations with reporters about Mrs. Wilson?”

“In what way?” McClellan asked.

“And her CIA status,” the reporter said.

“There’s been no information brought to our attention to suggest that anyone leaked classified information . . .,” McClellan said.

“You seem to be suggesting that perhaps they had conversations, but weren’t

leaking classified information,” the reporter said.

“Well, there’s an investigation going on to pull together all the information,” McClellan said. “But the issue is, did someone leak classified information?”

It doesn’t take too much Washington parsing to figure out that McClellan was saying that Rove had talked to reporters but that he had not done anything illegal, which appears to be precisely what happened. The White House would have been better off sticking to that story.

Despite the administration’s missteps, it still appears entirely possible that the whole thing will come to nothing. First of all, Rove (along with top Cheney aide Lewis Libby) has reportedly testified that he did not know Valerie Plame was a covert agent when he responded to questions from Novak and Cooper. Second, it is not clear whether Plame’s name and occupation were classified. And third, it is not at all clear whether anything done by anyone at the White House violated the law at the heart of the matter, the Intelligence Identities Protection Act, which makes it exceedingly difficult to prosecute anyone for revealing the identity of CIA agents.

But the White House still finds itself playing defense. And now, in the ultimate insult for Republicans, the president’s adversaries are trying to press the point that the Bush White House is no more truthful than the Clinton White House was (not that they ever conceded that the Clinton White House was untruthful). There have been lots of “it all depends on what the meaning of is” jokes and lots of flat-out statements calling virtually everyone in the White House a liar. But a more fair-minded look at the situation suggests that it is the differences, and not the similarities, between the Bush and Clinton administrations that are striking in this case. When faced with an independent-counsel investigation, figures in and around the Clinton White House formed a joint defense agreement, asserted novel legal privileges, and spent much of their time publicly attacking the prosecutor in the case. This White House, by comparison, has done nothing of the sort. Even their enemies should give them credit for that.

■ POLITICS II

Corn Row

Was it Joe Wilson who outed his wife?

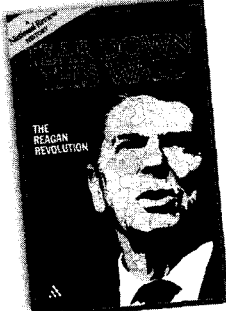
CLIFFORD D. MAY

HERE’S the real scandal: On the question of whether Saddam Hussein was seeking to obtain uranium in Africa—a vital national-security concern—the Central Intelligence Agency did not send its most seasoned spies and experienced detectives. Instead, the CIA—which had failed to penetrate Saddam’s government, the Iranian mullahs’ regime, the Taliban, and al-Qaeda—sent a retired diplomat with no investigative experience and whose inquiry, by his own admission, consisted of spending eight days at an African hotel “drinking sweet mint tea and meeting with dozens of people.” What is the likelihood that one of those people, upon being asked by former Ambassador Joseph C. Wilson IV, “Did Saddam Hussein ever attempt to buy uranium from any of you chaps?” would have answered, “Funny you mention that. As a matter of fact, I sold a few kilos to one of his cronies just the other day”?

Wilson’s supporters portray him as a moderate, non-ideological professional diplomat. But the facts—reported on National Review Online on July 11, 2003, three days before syndicated columnist Robert Novak first wrote about Wilson—are quite different: Wilson was an “adjunct scholar” at the Saudi-government-supported Middle East Institute, which advocates for Saudi interests. He had written in the March 3, 2003, edition of the left-wing *Nation* magazine that the Bush administration has “imperial ambitions”; he also wrote that the “new imperialists will not rest until governments that ape our world-

Mr. May, a former *New York Times* foreign correspondent, is president of the Foundation for the Defense of Democracies, a policy institute focusing on terrorism.

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view are implanted throughout the [Mid-east], a breathtakingly ambitious undertaking, smacking of hubris in the extreme." Furthermore, he was the keynote speaker for a meeting of a far-left group that opposed not only the U.S. military intervention in Iraq but also the sanctions against Saddam's regime—and even the no-fly zones that protected hundreds of thousands of Iraqi Kurds and Shias from being slaughtered.

Seen in this light, sending Wilson to Niger on a sensitive mission for the Bush administration represented gross misjudgment on the part of the CIA. But that is not the topic convulsing Washington today: No, the brouhaha is over whether Karl Rove or someone close to the president revealed to reporters that Wilson had been assigned to go to Africa on the recommendation of Wilson's wife, Valerie Plame, who worked for the CIA and who was a covert agent at some point in her career—it's not clear precisely when or quite how secret.

In fact, the public still knows very

little about Plame. Perhaps Patrick Fitzgerald, the special prosecutor, has by now learned the relevant facts. Most of us first saw her name in Bob Novak's July 14, 2003, column. That column began to unravel the mystery of how the CIA came to decide to send Wilson to Africa—which had become a subject of some curiosity, after Wilson wrote a *New York Times* op-ed on July 6 accusing President Bush of lying when he cited British intelligence concluding that Saddam had been seeking uranium in Africa. (British intelligence stands by that conclusion to this day, and two independent British commissions have supported that conclusion.)

It has become conventional wisdom that Novak's sources intended to discredit Wilson. If so, based on Novak's column, there is not the slightest hint that they succeeded. On the contrary, Novak writes that as U.S. chargé in Baghdad in 1991, Wilson "risked his life to shelter in the embassy some 800 Americans." Novak quotes his partner, Rowland

Evans, reporting from Iraq that "Wilson showed 'the stuff of heroism.'"

The decision to send Wilson "was made routinely at a low level without Director George Tenet's knowledge," Novak writes. He adds that Wilson "never worked for the CIA, but his wife, Valerie Plame, is an agency operative on weapons of mass destruction." It was she, he reports, who "suggested sending him to Niger to investigate . . . The CIA says its counter-proliferation officials selected Wilson and asked his wife to contact him." Novak, never himself a supporter of Bush's Iraq policy, goes on to say that until Wilson published his op-ed, the former ambassador "had taken a measured public position—viewing weapons of mass destruction as a danger but considering military action as a last resort." Tellingly, Novak does not raise any controversy about Plame or her role, concluding instead that the most pressing question is "whether the administration deliberately ignored Wilson's advice."



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Does that sound like an attempt to discredit Wilson or Plame? And is it really obvious from what Novak wrote that Plame was some kind of secret agent? For his part, Novak has maintained consistently that his sources did not tell him that Plame was—or had ever been—undercover, and that he would not have named her had he realized it. According to Novak, his use of the word “operative” was not meant to imply covert status.

If Novak did not identify Plame as a secret agent, who did? The other day I realized that I didn’t know the answer to that simple question. When I asked others who were following the Wilson story, I was surprised to learn they didn’t know either. So I conducted a little research to find out who had been the first to use such words as “secret” or “covert” in regard to Plame. It turned out to be David Corn, writing on *The Nation’s* website, two days after Novak’s column appeared.

Corn’s article contains not a single source—named or unnamed—except one: Joe Wilson. He says that Wilson would “neither confirm nor deny” that his wife works for the CIA in any capacity. But Corn goes on to raise the possibility not only that she works there but also that she is one of the agency’s “top-secret operatives.” Corn provides details regarding Plame’s covert work that Novak did not. He says she had “the dicey and difficult mission of tracking parties trying to buy or sell weapons of mass destruction or WMD materials.” How did Corn learn that?

Corn reveals that Plame was “known to friends as an energy analyst for a private firm.” Again, Novak did not report that. How did Corn know what Plame’s cover story was—unless he had learned it from Wilson, who, of course, was neither confirming nor denying whether it was her cover story? (The name of the firm came out later, when reporters found that Plame had contributed to Al Gore’s presidential primary campaign and had filled out a form identifying herself as an employee of Brewster-Jennings & Associates, which was quickly revealed to be a flimsy CIA front.)

Corn also raises for the first time the allegation that Novak’s sources intentionally exposed Plame as a secret agent and did so as a way to take revenge on Wilson for writing the *Times* op-ed. And, indeed, that is the narrative that has been fixed in most minds for the past two years. Only two substantive quotes in Corn’s story are on the record. He writes that while Wilson would not acknowledge “whether [Plame] is a deep-cover CIA employee,” Wilson was nevertheless willing to say: “Naming her this way would have compromised every operation, every relationship, every network with which she had been associated in her entire career. This is the stuff of Kim Philby and Aldrich Ames.” Wilson also tells Corn, on the record, that he thinks it “pretty clear” that his wife’s secrets—which, of course, he refused to confirm or deny—were exposed “to intimidate others who might come forward.”

Corn’s article contains not a single source—named or unnamed—except one: Joe Wilson.

I talked to Novak. He reiterated that his assumption had been that Plame was merely a CIA official of some kind. He also told me that, indeed, he first learned of Plame’s covert status from Corn. I contacted Corn by e-mail and asked him directly how he had found out that Plame was “a U.S. intelligence officer working covertly in a field of vital importance to national security.”

David responded: “Come on, Cliff. I’m disappointed in you—especially as a former NY Times reporter. Here’s what I wrote: *Did senior Bush officials blow the cover of a US intelligence officer working covertly in a field of vital importance to national security—and break the law—in order to strike at a Bush administration critic and intimidate others?* You will note that this is a question, not a statement of fact.”

David appeared to believe that settled the matter. I replied by saying that I thought he was too loyal to acknowledge that Wilson was his source—but surely he was too honest to deny it. He shot back:

All I can say again is, nice try. When I spoke to Joe Wilson after the Novak leak, he would not tell me whether or not his wife worked at the CIA. He spoke only in hypotheticals. He said, imagine

if she did, what would this leak mean, AND imagine if she did not, what would this leak mean. So I do deny that he told me because he did not. That’s the truth, the absolute truth. No spin. No parsing. No stonewalling. If you find any wiggle room in this response, let me know and I will unwiggle it. And you can believe it or not.

David

PS Mind if I write about our correspondence

Here is part of my reply:

Dear David,

You’re a good reporter. You know when a hypothetical is really a confirmation. When Wilson told you: “So, hypothetically, here’s what it . . . would mean if my wife were a top-secret agent—which I’m not saying she was; and here’s what it would mean if she had been on undercover on dangerous missions tracking WMD purchases abroad—which, of course, I’m not saying ever happened; and here’s what the consequence would be for her extensive network of sources if she were exposed, though I’m still not confirming anything . . .”—you knew exactly what he was telling you with a wink and a nudge.

—Cliff

Since then, David has written on his blog that I “smeared” him. He has called me some rather nasty names. He has attempted to rebut my thesis, too, but his rebuttal has been difficult—at least for me—to sort out. As best I understand, his argument boils down to the claim that Novak must have been told that Plame was a secret agent and must have intended to suggest that when he called her an “operative.” And all this is without doubt part of a dastardly plot by Bush deputies to get Joe Wilson, who, Corn believes, is a whistle-blower—not a partisan with an agenda.

The special prosecutor may sort everything out. One must assume that Novak has been cooperating with the investigation and that Fitzgerald knows who Novak’s sources were and whether they had access to classified information about Plame’s status. If so, Novak’s sources are probably in for trouble. But this whole tempest might have been avoided had the CIA sent to Africa a real secret agent—someone, perhaps, like Valerie Plame.

NR

■ ABROAD

Albania Votes

An emerging democracy, emerges

JAY NORDLINGER

Tirana, Albania

YEARS ago, the columnist Charles Krauthammer joked about what he called “the Tirana Index.” This was a way of measuring how unfree a country was. For example, election returns out of this capital would tell us that the Communist dictator, Hoxha, had received 98.6 percent of the vote. (You had to wonder about the other 1.4 percent.) The greater a dictator’s vote, the more unfree the country was. That was the Tirana Index. Of course, Saddam Hussein, in Iraq, improved on Hoxha by securing a full 100 percent of the vote.

They don’t do things like that in Albania anymore. I am in this country with a group monitoring elections. It is headed by Congressman Eliot Engel, a

New York Democrat, who is America’s foremost politician on Albanian affairs. This is his fifth visit to the country; he will undoubtedly make more. He has long been concerned about Albanians wherever they live: be it in Kosovo, Montenegro, Macedonia, or Albania itself. This is of a piece with his general commitment to human rights. He observes that, if Bill Clinton can be “the first African-American president,” he, Engel, ought to be the first Albanian-American congressman.

He has with him a delegation from the National Albanian-American Council, which includes men and women born throughout the Albanian diaspora. They have prospered in America, and wish to help less fortunate people in their ancestral lands. They lend political support, make business investments. They are proud, and in some cases amazed, to see Albania spring back to life.

This country endured just about the worst of Communism, for 45 years. The only situation that compares to Hoxha-ruled Albania is North Korea. Compared with Albania, such Communist states as Poland and Hungary were Gardens of Eden. Hoxha broke with the Soviets in 1968, and with the Chinese in 1978—they were dangerously liberal. No contact with the outside world was permitted. Private use of automobiles was forbidden. In the last five years, there was near famine. This was Stone Age stuff.

Albania is a famously pro-American country—some might say it is notoriously so—and when Secretary of State Baker visited Tirana, when the country first opened up, they kissed his car. Seven decades before, President Wilson had insisted on Albanian independence; many have never forgotten that. And then, in the ’90s, President Clinton bombed Serbia, saving the lives of countless Kosovar Albanians. On my first visit to this country, three years ago, a writer said to me, “We are so pro-American, our neighbors sneer at us as ‘the Israel of the Balkans.’” I replied—what else?—“Wear it proudly.”

And Albanians are quick to point out that they are in Iraq, with the coalition. They may not be committing many troops, but the number is a significant percentage of Albania’s forces, and they

are “the cream of this country’s youth.” Not long ago, the prime minister made it clear that Albania will never imitate Spain, and reverse course.

Since the fall of Communism, Albania has struggled to become a democracy. It is succeeding, in fits and starts. For several years, we said that it was the poorest country in Europe, but now Albanians note that Moldova has passed it in poverty. This reminds me of what used to be said in America: Alabamians are grateful for Mississippians. Crime is a serious problem in Albania, and a new threat casts a shadow: that of Muslim extremism. This is a majority-Muslim country, and the Saudis have been throwing some money around. For now, however, Albania stands as an example of a predominantly Muslim country that is willing to fight terrorism and pursue democracy.

In the three years since my previous visit, conditions in Tirana have obviously improved. Decrepitude has been lessened, and enterprise is more apparent. It may be my imagination, but I think the people have a healthier aspect. Even the dogs in the street seem less skinny. Women in gay dresses walk down boulevards, carrying parasols. For a block or two, this could be Rome. Around every corner, construction is taking place. Greater Tirana can appear one vast construction site. And the old, drab Soviet-style buildings? Albanians are painting them in bright colors, sometimes pastels—you get a touch, I kid you not, of South Florida.

The main aim, politically, is to join first NATO and then the EU. All parties agree on this. There are lots of parties, too, some 50. The dominant ones are the Socialists, now in power, and the Democrats. They are led by two larger-than-life political bosses: Fatos Nano, the Socialist (and current prime minister), and Sali Berisha, the Democrat (formerly in power). One Albanian says to me, cynically, but perhaps not inaccurately, that the Socialists and the Democrats are like two great mafia families. The Socialists are regarded as center-left, the Democrats as center-right. The Socialists have campaigned on Continuity and Progress. The Democrats have campaigned on Reform and Clean Hands—also a 50 percent tax cut.



The Big Democrat, Berisha

ROMAN GENN

Tirana is decked out with billboards, posters, and banners, promoting the various parties and coalitions. The press seems robust, too. Many papers jostle against one another on the newsstands. An Albanian complains to me, "You can't trust any of them, they're all biased." But this is true throughout Europe. Some may even say it's true in the United States.

On Election Day, people turn out to vote, in pretty big numbers—estimates will be around 50 percent. People have their thumbs marked, as in Iraq, to show that they've voted. When they fill in their ballots, they fold them, and put them in a large box. As Congressman Engel remarks, no chads, hanging or otherwise. There are complaints throughout the day: "Five of us in my family registered, but only three of us are on the rolls, allowed to vote." "I registered twice, just to be sure, but still they're not allowing me to vote." It's hard to tell what is unfair play and what is simple incompetence, or confusion. What is encouraging is that citizens care so much: They want to participate in the new democracy.

The Democrats and their allies say that the Socialists control the electoral process, and tip everything their way. They also say that the Socialists, who are post-Communists, are really Communists at heart. President Bush used an interesting phrase in his second inaugural address: "habits of control." The Socialists, according to their opponents, have yet to shed those habits. They have not yet learned to deal and govern democratically.

An Albanian who has no use for either major party is King Leka, son of the late king Zog and his beautiful, Hungarian wife. We visit the king, on the outskirts of Tirana, and he is not in good shape. His own wife died a year ago, a bad blow. He himself appears gravely ill: thin, gaunt, ghostly. He wears hospital clothes, and chain-smokes (elegantly).

Behind his chair stands an Albanian flag. And this rented house is full of books about the royal family, and mementos of them. Leka has an air of tremendous sorrow, but also tremendous

dignity. His life cannot have been easy: He was only days old when his family was forced into exile, Mussolini having invaded. He bounced from host country to host country. Now he is at last back in the land of his birth, and he runs his own party, or movement. Some people snort at this sick man, who calls himself "king"—but he is probably as patriotic and disinterested as anybody.

When I ask whether he has voted (for this is Election Day), he says the most kingly thing I ever hope to hear: "I don't vote. I am above all political parties, even my own." When Congressman Engel asks what America can do to assist Albania, he answers, "Help us out of this ping-pong game," between Fatos Nano and Sali Berisha. Power has constantly

shifted between the two. "Until that finishes, we will never advance."

As of this writing—the counting is slow, and contested—Berisha and the Democrats appear to have triumphed in the elections, meaning that, for now, Berisha, not Nano, will sit in the prime minister's seat. But all of us outsiders, and well-wishers, have a single concern: that procedures be democratic.

It should be remembered, in thinking about democracy across the world, that Albania

is a very unlikely candidate—an unlikely candidate for democracy. In their millennia-long existence, they have hardly known self-rule, to say nothing of democracy. And they suffered the deepest, darkest Communism imaginable. In the wild north, blood feuds are still in operation, which confines certain families to their homes, unable to vote. Albania is a challenge. But they are making a go of democracy. Their elections have not been perfect, but they have not been disgraceful, either. The people, by and large, have had their say. And if Albanians can achieve democracy, should we be so quick to dismiss the chances of others, even unlikely others?

The Albanian Americans with me rub their eyes that this country can have even imperfect democracy. As recently as 15 years ago, it was only a mocking dream.

■ CULTURE WATCH

Expensive Talk

The gracelessness of the rock-and-roll Left

ANTHONY DANIELS

MRS. JELLYBY, in Dickens's *Bleak House*, was so concerned for the welfare of the natives of Borrioboola-Gha, on the left bank of the Niger, that she quite neglected to look after her own children, who lived in squalor and misery as a result. How many Mrs. Jellybys, metaphorically speaking, were there among the two billion people who were said to have attended or watched Live 8's rock concerts?

No scientific research has been done into this question, but I suspect that the number is in the high hundreds of millions. The idea that you can simultaneously entertain yourself and do immense good by watching performances of the Peter Pans of pop music (who are stuck in permanent adolescence rather than permanent childhood) is a most agreeable one, though surely destructive of a truer, albeit less comfortable and undemanding, conception of virtue.

The expression of high-flown sentiment, or rather sentimentality, is thereby made the very model of human goodness; and the more vehement the expression, the more profound the goodness. In the process, the difference between sanctity and sanctimony disappears, and with it our ability to distinguish between the two.

Prima facie, the spectacle of superannuated rock stars setting themselves up as the moral instructors of the world is a rather odd one: only slightly less odd than that they should be taken at their own estimate. Their profession, after all, has not been a byword for restraint, good sense, or selflessness; nor have the practical effects of their artistic productions been always beneficial. A prison officer in England, himself

Mr. Daniels is a doctor and writer in England. Among his books is *Utopias Elsewhere*.

of Jamaican origin, once told me that if he played baroque music to the prisoners in his charge they became calm, mild-mannered, and reasonable, while if he allowed them to play rock music they became agitated, aggressive, and violent. Have not these same musicians therefore the inescapable moral duty to maintain their silence and do all in their power to prevent the further dissemination of their music, which has hitherto seeped into the atmosphere like a poison gas?

The kind of morality preached by the Mrs. Jellybys of the entertainment industry has, of course, many attractions for young people who are ever on the lookout for reasons to excuse, justify, or render morally unimportant their own frequently selfish behaviour. It allows them to think that their moral responsibility increases as the square of the distance between themselves and the moral problem; and as the world offers an inexhaustible supply of reasons for righteous indignation, which is one of the few human emotions apart from resentment that never lets you down, they will always be able to think well of themselves. Moreover, their indignation almost always demands sacrifices of others, not of themselves, and to demand sacrifices of others is a pleasure in itself. Shrillness is next to godliness.

But the Live 8 conception of virtue is now very widespread, and one of the reasons for this is that the vast expansion of tertiary education has increased by orders of magnitude the numbers of people who think in sociological abstractions rather than in concrete moral terms. Statistical generalizations are more real to them, and certainly more important, than the trifling moral dilemmas of their own lives. How, after all, can your own sexual conduct compete in significance with the infant-mortality rate or life expectancy of the inhabitants of Africa? Who could be so egotistical as to think that the details of his own conduct could be more important morally than the fate of millions? Robert Geldof is right, therefore: The state of Africa is the greatest ethical challenge of our time.

The problem is that, while our responsibility for our own conduct is strong and clear, at least most of the time, our personal responsibility for the state of Africa must be very slight, and at the very least much diluted. It is also possible that we have no

responsibility for it at all, if it should be the case that we have no power to change it for the better. Power without responsibility is a well-recognized evil; but responsibility without power also has its hazards, among which is a tendency to divert energy from the correction of those evils for which we are personally responsible. This is so at both an individual and a collective level.

Geldof, the begetter of Live 8, has said that it is better to do something than nothing in the face of the African situation. This would be so if it were impossible to do no harm with good intentions, or for the harm to outweigh the good (it would indeed be surprising, and remarkable, if the expenditure of billions in aid did no good at all).

But in fact it is at least plausible, and requiring refutation, to say that it was foreign aid, and foreign aid alone, that paid for the removal of three-quarters of the Tanzanian peasantry by force from where it was living, to be herded into semi-collectivized villages, where they produced almost nothing but were placed under onerous and oppressive government surveillance: an experiment much lauded in the West, though its disastrous effects, from which the country has yet fully to recover, were entirely predictable. Intelligent observers have given as their opinion that humanitarian aid prolonged the agony of Somalia, for control of vital supplies in a complete dearth is something well worth fighting for.

This does not prove that outside assistance, however wisely or carefully administered, could never do more harm than good, but there is not a single case of a country that has been lifted from destitution to even the most moderate prosperity by such a means. And the most obvious explanation for this is surely that the principal reasons for the failure of Africa to develop economically are internal rather than external, as any reasonably perceptive observer might suspect after a five-minute stay at Kinshasa Airport.

It is true that obstacles have sometimes been put in the path of trade and that they should be removed, but this is no miracle solution, nor should great results necessarily be expected of such a removal. Nigeria has never experienced the slightest difficulty in placing its principal, indeed only, export (apart from fraud) on the market, but its oil revenues have been a curse rather than a boon to the country and its people,

for purely internal reasons. The civil war over diamonds in Sierra Leone did not break out because of any difficulty in selling diamonds, and Botswana, which also mines diamonds, has fared much better. The difference between the two is not explicable by obvious external factors.

It is rather condescending to Africans to suggest that they are so poor and lacking in normal human agency that they are incapable even of making their own mess, and that the responsibility must therefore lie with those countries whose populations possess such agency. It is furthermore to treat the continent as if it were an undifferentiated sink of misery, one whose main function in the world is the provision of an object for compassion, so that many may feel good about themselves. If it hadn't been for the natives of Borrioboola-Gha, Mrs. Jellyby would have had to attend to the difficult and intractable matters closer to home.

In an interview published in the French left-wing daily, *Libération*, Geldof, describing the kind of people who appeared on television screens to talk about Africa, suddenly interjected an expletive that is still mildly transgressive in such circumstances.

The rhetorical force of his expletive depended entirely upon the taboo against its use in public. What he was doing, among other things, was demonstrating the strength of his feelings, and therefore the purity of his purpose, by the foulness of his language. His purity is proved by his impurity: there is something Gnostic in all this. Furthermore, by forestalling all objection to the use of this language by the seriousness of the context in which he used it ("How can you object to the use of a mere word when I am talking of the starving millions?") he is doing for language in a small way what his type of music does for culture in general in a much larger way: debauch it.

Morality in the Live 8 sense involves the vehement expression of supposedly deep sentiment about abstractions, rather than the painful, difficult, and always partially unsuccessful discipline of one's own inclinations. This is why ostensible concern for the state of the world is compatible with, and perhaps even promotes, the most complete egotism, in which concern for the good of humanity is a mask for the absolute tyranny of whim. **NR**

CHRONIC PAIN AND OPIOIDS

Debunking the Myths: Part 1

What is chronic pain?

Chronic pain is a progressive disease of the nervous system, caused by failure of the body's internal pain control systems. The disease is accompanied by changes in the chemical and anatomical makeup of the spinal cord. Chronic pain is a malignancy, in the sense that when it goes untreated, it increases in intensity and spreads to areas that weren't previously affected, damaging the sufferer's health and functioning.

Why treat chronic pain with opioids?

Opioids are substances naturally produced within the body to regulate pain. They are commonly known as endorphins, and recognized as producing the state of euphoria known as the runner's high. Chronic pain victims, who can't produce enough opioids on their own, often benefit from supplementation with pharmaceutical opioids.

What are the goals of treatment?

1. Lowering of pain levels.
2. Reducing suffering through restoration of functioning in life activities, as close to normal as possible.
3. Arresting and reversing the damage done by chronic pain to the nervous system and overall health of the patient.

Are opioids dangerous?

When taken as prescribed by your doctor, opioids are among the safest drugs available.

What about those "Oxycontin deaths" reported in the media?

Oxycontin, like other opioids, is safe for patients who take their medicine as prescribed. "Oxycontin deaths" occur in habitual substance abusers, not patients, and are usually the result of combining the drug with overdoses of alcohol and other drugs. These are deaths associated with Oxycontin, not caused by it, and they are not occurring in patients.

Will I have to take opioids for the rest of my life?

Opioids can be discontinued whenever they are no longer needed. Patients may recover from chronic pain, and return to active lives.

Will I get addicted, and how can I tell if I am?

Addiction is defined by the American Society of Addiction Medicine as continued use in spite of harm. Scientific research indicates that opioid addiction in pain patients is rare. If opioids make your life better by controlling pain, you are a pain patient. If they make your life worse, and you continue to use them, you may be an addict.

Will I have to take larger and larger doses to control my pain?

For most patients, their dose remains stable over long periods of time.

(continued in Part 2)

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Common Sense for Drug Policy

www.CommonSenseDrugPolicy.org www.DrugWarFacts.org

www.AddictInTheFamily.org

Mike Gray, Chair; Robert Field, Co-Chair

CHRONIC PAIN AND OPIOIDS

Debunking the Myths: Part 2

(continued from Part 1)

Will I get high, or lose control?

When opioids are taken on a regular schedule, tolerance quickly develops, and the psychological "high" goes away, leaving the user feeling completely normal. Long-term opioid users, as a group, have driving records for accidents and violations that are the same as everyone else's.

Will I hurt myself because I don't feel any pain?

No. Opioids improve functioning by reducing pain levels. They don't remove all the pain, or the ability to perceive new pain.

Will I become dependent?

You may. Dependence means that if opioids are abruptly discontinued you will have a physical withdrawal reaction, similar to having the flu. This reaction can be prevented by gradually tapering off the medication. Dependence is a physical phenomenon, not a sign of addiction.

What if I had a previous substance abuse problem?

This should not prevent a trial of opioids. Studies at Harvard Medical School and the University of Washington indicate that a past history of substance abuse has little or no predictive value for failure of opioid treatment. If you have current behavioral or substance abuse problems, you may appear to have trouble with opioid treatment.

Are there any side effects?

Constipation, nausea, itching, insomnia, and drowsiness commonly occur. All of these side effects can be successfully managed.

Will the medicine damage my liver?

No. Opioids occur naturally in the body, and are not harmful to any organ system. They can be taken safely for a lifetime, if necessary. Anti-inflammatory nonopioid medication, on the other hand, kill 16,500 patients each year through bleeding from the stomach, and are toxic to the liver and kidneys.

What is the correct dose?

The amount that allows optimal functioning is the correct dose. There is no upper limit to the dose of opioids that can be safely used, when the medicine is increased gradually.

Why won't my doctor prescribe enough medicine to control my pain?

He is too scared. As part of the War on Drugs, law enforcement is conducting a witch-hunt against pain doctors who prescribe opioids compassionately. Most physicians won't risk being targeted by law enforcement, because they have families to support. As a result, chronic pain sufferers have become non-combatant casualties in the war on drugs.

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Ask Not

Our crazy rules for judicial nominees

RAMESH PONNURU

THE Senate faces a momentous decision in deciding whether to confirm John Roberts as Justice Sandra Day O'Connor's successor on the Supreme Court. Roberts would have great power to determine whether the death penalty will be curtailed or expanded, how the war on terrorism will be fought, which regulations of abortion will be allowed, whether same-sex marriage will be the law of the land, and what types of affirmative action governments may practice. He may not be able to set local traffic laws or to wage wars. But he will do more to determine how Americans are governed than any senator, or any five senators.

Yet it would apparently be wrong for senators to ask him how he would exercise this vast power. In our current political order, elections for the Senate may turn on the candidates' positions on abortion even though senators do not set abortion policy. But the people who do set abortion policy are not to be asked how they will rule. It is permissible to interview a candidate for the job of Supreme Court justice. But the hirers are not to ask for the answers they most want to know.

That position, however absurd it may sound, has been embraced by the Republican party. Even before Bush named a nominee, most Republicans in Washington were saying that questions about how the nominee would rule on specific issues are off limits. They say that questions about professional qualifications are proper. Questions about "judicial philosophy" may also be proper, some Republicans will allow. But even they

draw the line at asking the nominee about the implications of his judicial philosophy.

Republicans have adopted this principle for reasons of both high principle and low politics. The high principle is that if nominees must answer specific questions, it will compromise their independence. The political calculation is that it will compromise their confirmability.

If the goal is to get Roberts, or any future Bush nominee, confirmed, then a rule that allows only extremely general questions is obviously useful. The more answers Roberts gives, the more reasons or pretexts senators will have to oppose him. Ideally, then, questions would be restricted to: "Is it true, sir, that you went to the best schools, have had a distinguished legal career, and are universally attested to be an honorable and brilliant man? Please do not hold back." If "judicial philosophy" comes up, it would be in this form: "Do you believe that judges should interpret the law or make it up as they go along?" Roberts would choose the former answer; so would any other nominee.

The Republicans especially want Roberts to be able to avoid answering questions about *Roe v. Wade*. Opinion polls show that most Americans favor *Roe* (especially if the pollster describes it, misleadingly, as legalizing abortion only in the first trimester). At least 50 senators support *Roe*, too, including a few whose votes Roberts would need to get confirmed.

POLITICAL SEDUCTION

The principled argument for silence is that a justice has to be free to rule on the merits of the case before him, and not be constrained by commitments made to senators in order to get confirmed. So it would be inappropriate for Roberts to say how he would vote in a pending case—say, the case involving Oregon’s assisted-suicide law, which is on the Supreme Court’s docket in the next term. No one disputes that. The question, however, is whether an informal prohibition on expressing an opinion on particular cases should be extended to cover the general issues at stake in those cases. Should Roberts be expected to say, if asked, whether he believes the Constitution protects a right to assisted suicide?

It is certainly possible that allowing such questions, and expecting nominees to give answers to them, would cause confirmation hearings to degenerate into campaigns to get nominees to follow particular party lines. A nominee who pledged always to vote for pro-lifers, or always to vote for racial preferences, to get confirmed would be undermining the rule of law and the impartiality of the judiciary. (There are, presumably, some cases that pro-lifers deserve to lose and some racial preferences that ought to be struck down, and a conscientious judge ought to make a good-faith effort to draw the right distinctions.)

Court rules on a constitutional matter, Congress and the president cannot overrule it by statute. (Nor, of course, can any state government, or a simple majority of the national public.) Impeachment is not generally considered a serious option for reining in wayward justices. The Constitution can be amended to overturn the Court’s decision—but not if the Court’s decision has any significant political support.

So in almost all cases, the only way for those of us who are not on the Court to overturn a ruling is to persuade the justices to change their minds, or to try to get new, differently inclined justices appointed. Persuasion is hardly a check at all. A sufficiently willful Court can simply stop its ears, and even make a virtue of doing so. The appointment check is also weak. A president may nominate a man thinking he will be a certain kind of justice, and discover that he has become an altogether different kind. There are no guarantees.

PRISONERS OF A CONVENTION

But the political culture has become so deferential to the Court that even such checks as we have are being undermined. Amendments to the Constitution have begun to have a faint air of illegitimacy. Strong criticism of the Court is nowadays often taken as a threat to judicial independence. The worship of the

The worship of the Court has reached its apotheosis in the recent demand that the ‘balance’ of the existing Court not be changed by new appointments.

After the Senate rejected his nomination to the Supreme Court in 1987, Robert Bork wrote a book called *The Tempting of America: The Political Seduction of the Law*. Bork argues, as Justice Antonin Scalia also does in *A Matter of Interpretation* and in several of his most high-profile dissents, against the “politicization of the law.” When judges get in the business of pursuing political agendas, political activists will naturally start to apply political pressure to them. They will march on the Supreme Court instead of Congress. Presidential candidates will run, more than they did before, as chief judge-pickers. Senators will demand that judicial nominees pass various litmus tests. Bork, Scalia, and many others see all of these phenomena as improper and unfortunate. At their endpoint, according to Scalia, the courts will become a servant of legislative majorities rather than a check on them.

The no-specific-questions convention is an attempt to avoid the politicization of law. But it mistakes the symptoms for the disease. Perhaps we should live in a society in which a written constitution seriously constrains the discretion of the justices on our highest court. We manifestly do not live in such a society at present. Under the circumstances, it may behoove us to find out how a nominee would use his discretion.

We have very few checks on the justices as it is. Their decisions are taken as binding and final; it is widely accepted that the other branches of government must act as though the Court’s decisions, no matter how erroneous, are correct. When the

Court has reached its apotheosis in the recent demand that the “balance” of the existing Court not be changed by new appointments. The current Court is not only our fitting ruler, but, apparently, the most perfect assemblage of rulers that ever could be.

For presidents and senators to refuse to ask Supreme Court nominees pointed questions about how they would use their powers—and to treat it as permissible for the nominees to duck such questions—is to weaken further an already weak set of checks and balances on the Court. There is something especially odd about the Republicans’ stance. Those who recognize most clearly that modern judges often legislate from the bench are the very people most committed to refusing to ask them how they would legislate.

So while there are risks to allowing presidents and senators to elicit from nominees too many clues about how they would rule, there are risks to not allowing them to do so. Those latter risks grow in importance as judges assume more power. We may, then, be dealing with some outdated norms.

Republicans who continue to insist on abiding by those outdated norms may be hurting conservatives’ ability to reform the judiciary. For the last ten presidential elections, Republicans have promised to rein in an activist federal judiciary. Since *Roe v. Wade* was handed down, it has become for conservatives the symbol of judicial lawlessness and the focus of organization for their judicial politicking. Republicans have been promising in their platforms for decades to work toward its overthrow.

Yet Republican appointee after appointee has voted to uphold *Roe*. The current Court contains 6 pro-*Roe* votes. Three of them—Kennedy, O'Connor, and Souter—were appointed by Republican presidents committed to overturning *Roe*. Surely one reason for these disappointments is that Republican presidents have not taken the obvious step of asking prospective nominees where they stand on *Roe*. Democrats do not share this reluctance: President Clinton pledged to nominate only judges who supported abortion rights, as did John Kerry, and few people suggested that this litmus test violated some code of judicial ethics.

Now there would be practical obstacles in the way of any Republican president who inquired about a candidate's views on *Roe* before nominating him. The exchange would surely come out in Senate hearings, and many senators would vote against the nominee as a result. But the practical obstacles are quite sufficient without constructing imaginary obstacles of principle in addition. The former obstacles are also related to the latter ones. The senators would not have so negative a reaction to litmus tests if the view that it is wrong to ask specific questions of nominees, and judge them based on their answers, were not so widespread. And that view would be less widespread if Republicans ever challenged it, or at least stopped promoting it.

As it stands, Republicans promise to work to overturn *Roe* but place multiple handcuffs on themselves as they go about that work. Among other things, this is not a great recipe for harmony within the Republican coalition. No wonder it appears, to many social conservatives who have worked year after year to elect Republicans, as though the party is not really even trying to address their concerns. The frustrations that result from the don't-ask-don't-tell convention were on display during the recent controversy over Alberto Gonzales.

Many conservatives expressed alarm that President Bush might appoint the attorney general to replace O'Connor on the Court. Their major concern was that he is an unreliable vote on *Roe* (or that his unreliability on *Roe* casts doubt on his reliability across the board). But the entire debate was conducted in a swamp of murkiness. Nobody knows how Gonzales would vote on *Roe* if on the Court, since the conventions we have built around Supreme Court confirmations would preclude anyone from just asking him and expecting an answer. So people had to act based on hunches, even at the risk of being unfair to Gonzales. But even if people knew to a certainty that Gonzales would vote for *Roe*, and for same-sex marriage as a constitutional requirement for that matter, what would follow from that knowledge? Bush never promised to appoint only justices who would vote against *Roe*, or for or against any particular constitutional position.

He couldn't make that promise since he is a prisoner, either as a result of political necessity or of genuine though misguided belief, to the don't-ask convention. Which means that conservatives are its prisoner as well.

Conservatives ought to rethink this question, and maybe also some related questions. If any attempt to check the courts' power constitutes "political pressure" on the courts, then we need more political pressure, not less. Our problem may not be the politicization of law, in other words, so much as the judicialization of politics that called it forth.

NR

■ AT WAR

The Lion Challenged

Why England mustn't sleep

JOHN O'SULLIVAN

TWO minor items, hiding in the massive media coverage of the London bombings, illustrate the vast problems of social psychology facing the British. One is the report that the former home secretary (Britain's version of a homeland-security czar), David Blunkett, has left a wreath in memory of the bomb victims lamenting that he had not been able to do more to ensure their security. The other is a story—headlined "'Guardian' man revealed as Hardline Islamist"—about a trainee reporter hired under an ethnic-minority program who turned out to be a member of an Islamist group, Hizb ut-Tahrir, that advocates an Islamic world government. In a culture where mawkish self-regard and sentimentality meet religious fanaticism and terrorism—Osama bin Laden hits the Me Decade!—doubt must arise that any firm, sensible response to the Islamist bombers will be possible.

Some modest hope can be drawn from the fact that voices are being raised to question the official sponsorship of Grief and Sensitivity as the best answer to the bombers. London has been getting in touch with its emotions ever since the explosions. There was a national moment of silence and a vigil in Trafalgar Square. Bouquets and wreaths, like that from Blunkett, are piling up. And Londoners have been comparing themselves, understandably but perhaps a trifle complacently, to their forefathers who survived the Blitz. Like them, goes the refrain, we carry on with our lives, showing true British grit.

As an initial response, this may have been brave and healthy. As it continues into its third week, however, it reminds one less of the Blitz and more of the self-regarding sensitivity of the Princess Diana Festival of Grief a few years ago. After all, as Rod Liddle of the London *Spectator* pointed out, there was no very obvious alternative to carrying on as usual. Should Londoners stay at home in bed? If there was no alternative, there was no great virtue in carrying on. Blogger Helen Szamuely added the point that the Londoners of the Blitz did not hold minutes of silence after every V1 landed on a house. Being stoical meant getting on with things, not breaking off every now and then to consult a grief counselor. There was one minute of silence every year, on Remembrance Day, to mark *all* the allied dead in the Great War. And one of the two famous poems most associated with Remembrance Day—"In Flanders Fields"—pointed out that mourning alone was an insufficient response. In the final stanza of Lt. Col. John McCrae's poem, the dead call on the living to avenge them: "Take up our quarrel with the foe: / To you from failing hands we throw / The torch; be yours to hold it high.

/ If ye break faith with us who die / We shall not sleep, though
poppies grow / In Flanders fields.”

KNOW THE ENEMY

This note has hardly been heard in the grieving ceremonies of the past fortnight. Indeed, there has been much more stress on who our enemy is *not* than on how to find and crush him. And the refrain has been that the enemy is not Islam, not Muslims, not immigrants, and—at the *Guardian*—not even Hizb ut-Tahrir. “There was a feeling that we genuinely wanted more diversity,” a *Guardian* source explained to an *Independent* reporter, “and like all national newspapers we were a bit ‘pale and male,’ so we were keen to recruit from different backgrounds.” Admittedly, given the *Guardian*’s general polytechnic-sociology-lecturer-Left outlook, its hiring of a radical Islamist is pretty much a dog-bites-man story. Even its grizzled old lefties, however, might have looked askance at what Dilpazier Aslam actually wrote—and when. On the day after the London bombers were found to be British, he suggested that second- and third-generation British Muslims were prepared to “rock the boat,” and that their agitation against British foreign

told to Parliament. Organizations such as Hizb ut-Tahrir, banned in most other countries, were allowed to operate freely. Among those admitted into Britain were vocal supporters of 9/11, Osama bin Laden, and Islamist terrorism in general. Over time a “jihad railway,” bringing together radical Islamic organizations, Pakistani madrassas, terrorist training camps, and disaffected young British Muslims gradually came into being. And the four young British Muslims who planted bombs in London were passengers on it—we know, for instance, that three of them visited Pakistan in the past twelve months.

Successive British governments did little or nothing about “Londonistan” for four reasons. First, because they wanted to increase immigration on economic grounds—mistaken ones, as it happens—they permitted the corruption of the asylum system to admit larger numbers. These turned out to include actual and potential terrorists. Second, they nursed a reasonable desire to avoid a “clash of civilizations” through any appearance of hostility to Islam. Third, they were hobbled by a guilt-ridden multiculturalism that prevented them from imposing even the most obvious “British values” on immigrant cultures; thus the police



policy would continue. In a jokey touch he signed himself as being, like three of the bombers, “a Yorkshire lad, born and bred.”

If these mocking words are to be taken at all seriously, Aslam is an enemy of Britain who wants to subject his native Yorkshire to a politico-religious dictatorship and who seeks to alter British foreign policy by—well, not by democratic vote. Yet at the time of writing, he remains an employee of the *Guardian*, which argues that Hizb ut-Tahrir is “legal in this country.” And it must be said that the same ethnic-diversity rationale for hiring him currently determines the hiring and promotion practices of virtually every organization in America as well as in Britain. We are training ourselves to ignore or downplay any signs that someone may be hostile to our way of life and our very safety. As long as that continues, grieving may be an all too appropriate policy.

Even so, Blunkett’s apology to the victims understates the problem. In addition to not doing enough to save them, he and other ministers did a great deal to smooth the path of those who killed them. It was under home secretaries of both parties that the terrorist central known as “Londonistan” was established and spread. A blind eye was turned to illegal immigration—an official report suggests that at least 500,000 illegal immigrants live in Britain. (This figure is probably an underestimate.) Legal immigration procedures were quietly relaxed—and lies to conceal the fact were

often turned a blind eye to the “honor killings” of young Muslim women who had strayed sexually from fundamentalist Muslim standards. And fourth, they cherished a shameful desire that if they allowed Islamist terrorists to plot and plan in London undisturbed, the terrorists would strike at Britain last—and perhaps never.

That last calculation has proved to be false as well as shameful: The terrorists have struck at Britain and are expected to do so again.

The terrorist network that grew up while governments were turning a blind eye is officially estimated to number 1,600 terrorists. It is almost certainly higher. The second-most-quoted comment from the security services is, “We got off lightly.” (The most-quoted remark is, “It had to happen.”) The policy of glancing away when terrorists set up shop next door has been abandoned. And a thorough re-examination of all aspects of British policy—including immigration, multiculturalism, and the official attitude to Islam—has been launched. Where is it likely to lead us?

SOFTNESS ON THE HOME FRONT

Those American conservatives who worry that the Brits will go soft on terrorism and Iraq misunderstand the real areas of weakness. Whatever Aslam writes in the *Guardian*, British foreign policy is not going to alter significantly. Whitehall is already plan-

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ning, as is the Pentagon, to withdraw British troops from Iraq. More terrorism will, if anything, delay that withdrawal. Nor will the Brits gradually shuffle away from the War on Terror. However paradoxically, Blair has been strengthened politically by the bombings and will remain in Downing Street for the foreseeable future. The main opposition party, the Tories, supports his policy. Barring accidents, their new leader, likely to be elected in October, will continue that support. And if there are future terrorist attacks—as most experts expect—British public support for the War on Terror is likely to harden.

But even if the Brits wanted to go soft, it is not at all clear how they could do so. What would they offer the terrorists to persuade them to stop bombing London? Al-Qaeda's demands amount to a wholesale reconstruction of Britain and Europe as part of a worldwide Islamic polity administered under sharia law. That would be a hard sell even to a very frightened British public. Also, the terrorists seem to be a collection of loosely cooperating groups rather than a single body. Negotiating with one group would not necessarily persuade another to halt hostilities; it might conceivably encourage it to step up violence. The inescapable reality is that, Iraq or no Iraq, the Brits, the Americans, and most of the other Europeans are in a battle with Islamist terrorism whether they realize it or not. As terrorism increases, they are likely to realize it. And the only possible results are either radical Islamization or the survival of Western democracy.

Even if the Brits wanted to go soft, it is not at all clear how they could do so.

The more intractable problems lie in domestic policy. If there are almost 2 million Muslims in Britain, if large percentages of them feel deep antipathy to Britain (as polls suggest they do), and if four young Muslim men could pass laughing and joking through London to bomb their countrymen, then many more potential terrorists are hiding in plain sight in urban Britain. It is a horrendous problem—though not much worse perhaps than America's, and much less frightening than the problem posed by the larger and seemingly more disaffected Muslim diaspora in France.

To ameliorate and eventually solve such a global problem means dealing simultaneously with several deeply rooted component problems: getting better intelligence on the terrorist networks in order to disrupt them; deporting known Muslim extremists; controlling and ultimately reducing immigration; replacing a failed multiculturalism with a common British culture and identity that encompasses immigrant identities as the American identity once did; and above all encouraging British Muslims to embrace Britishness as their principal *political* identity and thus to reject the Islamist vision of a worldwide caliphate. To achieve even one of these aims will be difficult. For instance, deporting known extremists would probably require either withdrawing Britain from international conventions on asylum (extremely difficult) or getting the international community to rewrite them (impossible). To achieve all of them will be a heroic task. It will have to dispel persistent illusions such as multiculturalism. And it will have to overcome new obstacles

that have emerged in the aftermath of the bombing; the first of those being, curiously, a sort of *fatalism*: Many proposals for dealing with terrorism run up against the objection either that they are politically impossible or would simply not work. Thus, in an otherwise splendid article in the *Sunday Telegraph*, historian Niall Ferguson argues that it is simply impossible to withstand the demographic pressures that push immigrants from overpopulated Pakistan to medium-birth-rate Britain. This seems to be based on an interpretation of the U.N. population statistics that the U.N.'s own demographers disavow—namely, the idea that “replacement immigration” is economically essential for Europe. But Britain is an island, and reasonably easy to protect against even civil invasions. It has a much smaller Muslim population than, say, France precisely because immigration was reasonably well controlled until the early 1990s. And the scandals of lax immigration—such as the case of the terrorist Kamel Bourgass, who illegally entered Britain and eventually killed a policeman—are almost all cases of criminally lax administration. If London wishes to reduce the terrorism threat by reducing immigration, it can certainly do so.

The case of multiculturalism is similar. In another otherwise strong article in the *Sunday Telegraph*, Matthew d'Ancona approvingly quotes John Gray to the effect that for Britain multiculturalism is “a historical fate,” nothing less. In the course of explaining how multiculturalism must work in future, however, d'Ancona

explains that Muslims will have to accept limits on the expression of their cultural and religious values—limits set by the wider society. For instance, they have a right to their own schools, but they must give Muslim girls in those schools the same treatment and opportunities as boys receive and other schools provide. But that is not multiculturalism as the Muslims understand it, as government has heretofore interpreted it, and as the word is generally used: i.e., a synonym for cultural separatism. Yet both Ferguson and d'Ancona subtly (and surely against their wishes) obstruct the shaping of this broad and tolerant identity when they assert that we are simply fated to have high immigration and multiculturalism—Ferguson because continuing high immigration obstructs assimilation, and d'Ancona because his espousal of the mere word “multiculturalism” is likely to prop up its actual ugly sister.

PERSONNEL MEANS POLICY

One might be less concerned about such intellectual misdirections if the reshaping of a new and wider British identity were not in the hands of officials who until yesterday were firm multiculturalists and/or naïve enthusiasts for the trivial attempt to “re-brand” Britain as Cool Britannia. Labor's Left is well represented by the prime minister's wife, Cherie Booth; I am reminded by Mark Steyn that she was the very lawyer who won for a young Muslim girl the “right” to wear the full jilbab to school, against the ruling of a sensible Muslim headmistress who had imposed a modest dress code that met reasonable religious standards. This was a

truly retrograde ruling: Steyn points out that whether or not it reflected the girl's own wishes—as opposed to those of her family—it separated her from her companions in modern Britain, in order to put her in a dress that reflects not the traditional culture of her family's Bangladesh but the recent Arabization of that culture under Islamist pressure. It was a multicultural attack on a brave and sensitive attempt by the headmistress to reconcile Muslim standards to a common British identity.

If Blair is less of a multiculturalist than his wife, he has shown little sympathy for any traditional aspects of British identity. His principal concern about Britain is that it should be “modernized.” In practice that has meant slapdash “reforms” of virtually every British institution. Neither Blair fills one with the confidence that they have the cultural and historical imagination to be able to shape an inspiring synthesis of British and Muslim civilizations. (I would prefer to see such a delicate task in the hands of, say, a retired soldier who had commanded Muslim troops under the Raj and who understood how different peoples are brought together by pride in common accomplishments.)

That said, Blair has in recent days grasped at least half the nettle of Muslim accommodation. He has plainly stated that the terrorist threat arises principally from an “evil ideology” that is a “perversion” of Islam. This frankness is a real advance on the outpouring of statements, from both government officials and religious leaders, exonerating Islam from any responsibility for the acts of terrorists who proclaim Islam as their inspiration. This avoidance of assigning any degree of blame to Islam was prompted by decent motives—fear of anti-Muslim reprisals, desire not to drive Muslims to extremism, etc. But it was a profound mistake. It conveyed the message that the British felt guilty in some way and would not demand that the Muslims join them in defeating terrorism. It enabled Muslim leaders and the Muslim community to deny any connection with the London bombings, even to deny that the terrorists were or could be Muslims. It encouraged them to treat any criticism as “Islamophobia”—one of those medical conditions, like homophobia, of which the symptom is being accused of it. And while they were in this state of convenient denial, Muslim leaders could argue that they had no duty either to restrain their extremists or to push their community towards developing common British standards. Now that Blair has started to ask for these things, progress towards shaping a new British common cultural identity can begin.

It will be a long and difficult process. It will go against the multiculturalist grain of Blair's own party and against his own shallow modernizing instincts. It will mean learning and applying essentially Tory truths about nation-building, loyalty, and allegiance—truths that the Tories themselves have largely forgotten. And the Blair government will be continually tempted to go in for displacement activity—such as introducing identity cards that the London bombers would have been entitled to—rather than carry through measures that they themselves dislike. But the terrorists will encourage them with fresh attacks and more murders.

Orwell ended an essay by saying that he sometimes thought that the British would continue in their agreeable complacency until they were shaken out of it by the roar of bombs. Well, they have now been shaken out of it. And, unfortunately, they will be shaken out of it again. And next time will be the time when the grieving has to stop.

NR

■ PUBLIC POLICY

Tribal Loyalties

The BIA: a Washington disgrace

JASON LEE STEORTS

IN recent months, Washington has been abuzz with the scandal of lobbyist Jack Abramoff, who has been accused of bilking Native American tribes. To understand the roots of this scandal—and of a very, very sleazy business—it's a good idea to go to northwestern Connecticut, and visit Kent, a town of 3,000 people. Kent is, by all accounts, an idyllic place—a rural community containing three state parks, two state forests, two wildlife sanctuaries, and a corridor of the Appalachian Trail.

What Kent lacks is a casino.

Indeed, if you were a resident of Kent who wanted to build a casino, state law would forbid your doing so—unless you belonged to the Schaghticoke Tribal Nation, a band of about 300 Indians with a 400-acre reservation in Kent. In that case, the laws of Connecticut would have nothing to say about your importing a piece of Las Vegas to their state. Your plans would instead be subject to the whim of Washington bureaucrats who—fortunately for you—have seemed quite willing to advance your interests over the objections of Kent's residents, Kent's congresswoman, and Kent's senators, not to mention the state legislature and governor of Connecticut.

That such a thing is possible is a case study in the curiosities that follow from poorly crafted legislation. In 1988, Congress passed the Indian Gaming Regulatory Act (IGRA). This law was meant to clarify the oversight of gambling on tribal lands after a series of court cases saw Indian tribes and state governments at odds over whether states had the authority to restrict Indian gambling. (The tribes said no, invoking the limited sovereignty that exempts them from such things as local building codes and taxes.) The intent of IGRA was to let tribes conduct casino-style gambling only in states where such gambling was already permitted. But courts have construed IGRA as saying that, even if a state permits no more than a lottery or gambling for charitable fundraisers, Indians must be allowed to build full-blown casinos. There are now about 300 Indian casinos in the U.S., often in states whose criminal statutes would lead to the prosecution of non-Indians operating the same facilities.

Alexis Johnson, a lawyer and expert on Indian law, sees this outcome as a departure from the purpose of IGRA: “The whole idea was to import to tribes the ability to conduct kinds of gambling that the states already had—mirror images is what this was supposed to be about. Congress couldn't have intended that tribes build full-scale casinos on the green felt of church-basement bingo.”

But that is precisely what has happened—often to the detriment of local and state governments, which are powerless to collect

taxes from Indian casinos but must bear the costs associated with them: increased traffic and the accompanying pollution and road damage, demographic shifts, higher crime rates. That states must accept this concatenation of ills without any democratic mechanisms to control them is an affront to federalism. Almost as appalling is the poverty of federal oversight. In order for a tribe to open a casino, the federal government must recognize it as a sovereign entity entitled to government-to-government relations with the United States. While such authorization can be bestowed by Congress, it has, in the past two decades, been the near-exclusive province of the Interior Department's Bureau of Indian Affairs. Although Congress has never given the BIA specific authority to recognize new tribes, the bureau has done so on the basis of its general power to manage Indian affairs and relations.

GREED: THE TIE THAT BINDS

While the bureau's internal policy sets forth seven criteria that a tribe must meet in order to be recognized, the BIA's politically appointed staff is free to disregard these requirements as it pleases. In recent years, it has done so with abandon. What is worse, there are no rules to prevent *ex parte* contacts between BIA officials and tribal lobbyists (that is to say, contacts that take place without the participation of third parties); nor are there rules to prevent departing BIA officials from becoming lobbyists the very day of their departure. All this, combined with the enormous lucre to be had from Indian gambling, has tainted the objectivity of the tribal-recognition process to such an extent that many now view the BIA as little more than a cesspool of influence peddling and shady deals.

And there are deals aplenty. A BIA spokesman—who declines to offer any response to criticisms of his department—says that 294 tribal-recognition cases are now pending. Jeff Benedict, president of the Connecticut Alliance Against Casino Expansion, estimates that casino investors are funding some two-thirds of the pending cases. These investors, hoping to cash in on the profits of a \$20-billion-a-year industry, are rarely Indians, and are bound to the tribes by no adhesive but greed. Johnson sums up the situation with delightful bluntness: “Inside the Beltway—that’s Indian country for purposes of gambling. The tribe that’s being served is made up of lobbyists and lawyers. I’d love saying to them, ‘I’ve never seen so many middle-aged white men interested in the education of poor Indian children.’ Because they’re not. They’re interested in their suits, their crocodile-skin bulls**t, their Gucci purses.”

That is a strong statement. But an examination of recent cases suggests it is not an inaccurate one. Some of the dirtiest dealing in the BIA took place during the Clinton administration, when BIA appointees were hell-bent on recognizing tribes regardless of the merits of their claims. Clinton’s BIA chief, Kevin Gover, deserves

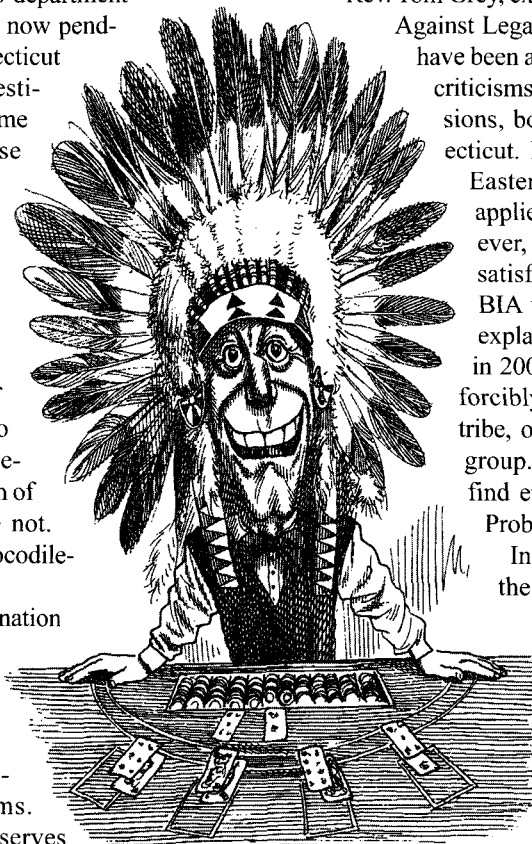
points at least for honesty: Near the beginning of his tenure, he told his staff that “acknowledgment decisions are political.” This outlook was given practical application in the case of the Golden Hill Paugussetts, an 82-member group that wanted to build a casino in Bridgeport, Conn. According to the press secretary of a Connecticut congressman, their bid for recognition had already been turned down three times by BIA staff; but when Gover—who once represented the tribe—was appointed to head the BIA, he took the unprecedented step of reopening the case. Gover recused himself from the decision, and the petition was denied after he left office; but that the case was reopened at all is suggestive.

Things got worse in the waning hours of Clinton’s presidency, when Gover and his deputies pushed through a flurry of decisions so questionable that they led to an investigation by the inspector general of the Department of the Interior. Here is a summary of that investigation’s findings: “Using a consultant with questionable credentials to bolster their position, BIA officials Kevin Gover, Michael Anderson, and Loretta Tuell were determined to recognize the six tribes that BAR [i.e., the Branch of Acknowledgment and Research—the BIA’s career research staff] had concluded did not meet regulatory criteria.” The staff was so upset by the ukases it was receiving to rewrite its decisions that one mid-level BIA official expected a bout of fisticuffs, and remained present at a late-night meeting on the final day of Clinton’s term lest somebody “get slapped.”

With the election of George W. Bush, BIA critics hoped for reform. Bush had, as governor of Texas, tried to shut down an Indian casino in El Paso, and during the presidential campaign had cast himself as a foe of gambling. “Because Bush had been antigambling in Texas, we thought we’d get a break,” says the Rev. Tom Grey, executive director of the National Coalition

Against Legalized Gambling. “But the last four years have been a disaster.” In those years, the most severe criticisms of the BIA have focused on two decisions, both of them concerning tribes in Connecticut. In one case, two tribes—the Paucatuck Eastern Pequots and the Eastern Pequots—applied for federal recognition; neither, however, could provide sufficient evidence that it satisfied the BIA’s seven requirements. The BIA found a novel solution, as Jeff Benedict explained to the House Resources Committee in 2004: “The BIA took the incredible step of forcibly joining [the two tribes] into a single tribe, over the strong objections of the smaller group. Only by doing so was the BIA able to find enough evidence to create a new tribe.” Problem solved.

In another case—that of the Schaghticoke, the tribe in Kent—an internal BIA memo dated January 12, 2004, acknowledges that “evidence of political influence and authority”—one of the seven criteria—“is absent or insufficient for two substantial historical periods.” It also says that denying recognition would maintain “the current interpretations of the regulations and estab-



lished precedents.” Incredibly, the memo goes on to recommend departing from those precedents, and suggests new evidentiary standards that would justify recognizing the tribes.

These decisions united Connecticut’s governor, attorney general, and congressional delegation in opposition. Richard Blumenthal, the attorney general, appealed to the Interior Board of Indian Affairs, a panel of administrative judges within the Interior Department that is responsible for reviewing challenges to BIA decisions. The judges sided with Connecticut, vacated the BIA’s decisions, and remanded them for reconsideration.

BAD CHOICES

Now there is nothing remarkable about a bureaucracy’s making bad decisions; that is just what bureaucracy is for. What *is* remarkable is the willfulness of the BIA’s advocacy—its deliberate choice to throw aside precedent and turn a blind eye toward gaps in the evidence.

Such arbitrariness begins to look suspicious when one considers the political and financial forces assembled behind the tribes. The non-Indian investors who spent millions of dollars bankrolling the tribes’ recognition efforts enlisted the services of lobbyists who were well connected to both the BIA and the administration in general. According to Jeff Benedict, the Eastern Pequots paid some \$645,000 to Ronald Kaufman, the brother-in-law of White House chief of staff Andrew Card. The Schaghticoke were advised by Paul J. Manafort, a former business partner of Roger Stone, who helped Bush’s transition team staff the BIA, and who wrote in a prospectus to Indian tribes, “We believe that based on our superior political contacts we could win all necessary approvals in a time between 8 and 16 months.”

There is no obvious conspiracy here, and no reason to think anything illegal was done: Making *that* case would probably require the special investigative and analytic gifts of Michael Moore. Kaufman has strongly denied contacting anyone at the White House on behalf of his Indian clients. Yet one cannot help but ask: What kind of access did these lobbyists have to BIA officials? Attorney General Blumenthal has an idea. He declines to name names, but says, “We think there is evidence of *ex parte* contacts between the financial backers and their lobbyists and officials at the BIA. . . . We don’t have tape recordings or smoking-gun documents, but we have reports of conversations that seem credible.”

That is worrisome to Frank Wolf, a Republican congressman from Virginia. “If you look at most of the BIA people, they go out and lobby the next day [after leaving the agency],” Wolf says. “I would be surprised if anyone has left BIA who does not have ties. Anybody in town knows it’s a very political process.” Wolf wrote President Bush in May, asking him to issue an executive order placing a moratorium on the opening of new tribal casinos until Congress can review IGRA. The reply he got was disappointing: “We got a letter back that said they don’t have the authority to do very much. My response is that they should then send up the legislation that gives them that authority. Administrations are never reluctant to ask for additional authority.”

In fact, a Congressional Research Service memo dated May 9, 2005, suggests that the president has authority to do even more than Wolf requested: Because there has never been “a special delegation from Congress to the Secretary of the Interior to make

determinations as to whether or not groups satisfy specified criteria requiring recognition as Indian tribes,” the president could “issue a directive withdrawing from [the Department of the Interior] the power to recognize groups as Indian tribes.” What is lacking, it seems, is not legal authority, but political will.

CLEANING UP THE SYSTEM

That may be changing—if not in the White House, then in Congress. John McCain has in recent days held hearings on tribal recognition, with the aim of introducing legislation to reform IGRA. At a minimum, Congress should require tribes applying for recognition to disclose their financial backers, as well as their expenditures on lobbyists and consultants. In addition, tribes should be statutorily required to meet all seven of the BIA’s criteria before they are granted recognition. Congress should provide precise definitions of the evidentiary thresholds that must be passed in order for the criteria to be met; this would guard against the near-artistic creativity with which the BIA weighs evidence.

Congress should also revoke the statutory exemption that allows ex-BIA employees to represent Indian tribes before the government: These employees should be subject to the same conflict-of-interest rules as all other federal workers. The current exemption was enacted at a time when tribes lacked effective representation—something that is manifestly no longer the case. Attorney General Blumenthal proposes the creation of an independent commission to consider tribal-recognition claims—a body whose members would be appointed to staggered terms, approved by Congress, and bound by strict rules against *ex parte* contacts. While there is no guarantee that such commissioners would behave with uniform saintliness, Blumenthal notes that “whatever you say about the vigor and competence of the FTC and the SEC, their commissioners would never think of picking up the phone and talking to someone who has a case pending before them.”

Others, such as Alexis Johnson, wish entirely to sever the question of tribal recognition from thoughts of gambling profits. Johnson would accomplish this by imposing a 25-year moratorium on gambling in all newly recognized tribes. Such a moratorium might seem patronizing toward Indians, but Johnson replies, “It’s patronizing to the point of insisting on authenticity.” Given the BIA’s recent attempt to glue two tribes together and create a single entity that neither group sought, this concern for authenticity is more than rhetorical.

If Johnson’s proposal sounds too extreme, here is an alternative: Amend IGRA to forbid any tribe to open a casino absent the consent of the state’s governor and legislature, and clarify that IGRA shall not be construed as requiring a state to allow Indian casinos purely in virtue of state lotteries or gambling for charitable fundraisers. These changes would dispel confidence in newly recognized tribes’ ability to build casinos, and would correspondingly dilute the expectation of easy profits that now draws lawyers, lobbyists, and financiers to tribes like sharks to blood.

That feeding frenzy would never have been possible without the recklessness and caprice of the BIA. But this recklessness and caprice are possible only because Congress has allowed the BIA to exceed its authority. To Congress, then, falls the task of wresting that authority back—and subjecting the BIA to the federalism by which it should have been restrained all along.

NR

HELA!!!

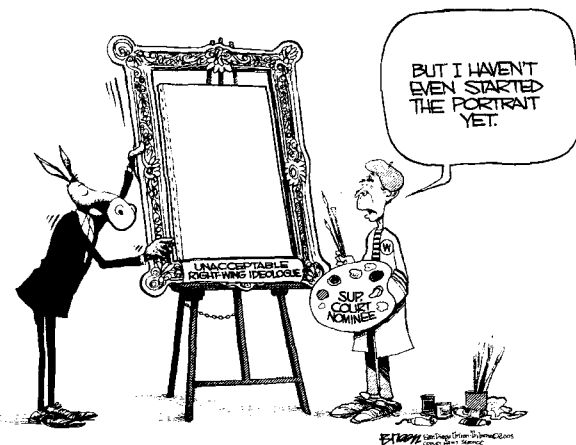
THE ROVE AFFAIR

*As an aerobic exercise,
Dems got to attitudinize
While working up a gorgeous sweat.
Kerry, coruscates violet
(Particularly on the nose),
Alarmed the doc. When Boxer rose,
Eyeliner in some disarray,
I tried, but couldn't look away.*

—W. H. VON DREELE



"Now I am worried—there go Gutenberg and Machiavelli together!"



the long view

ROB LONG

NSA Document Extracts: Telephone Transcripts

First Extract

(Patriot Act roving wiretap authorized)

static

UNIDENTIFIED MALE VOICE: "Hello?"

UNIDENTIFIED FEMALE VOICE: "Joe? This is Judith Miller at the New York Times."

UNIDENTIFIED MALE VOICE: "Hey! Judith! How are you? Why so formal?"

JUDITH MILLER: "Sorry, Joe, but I'm working on a story about the Niger trip and the yelowcake thing."

JOSEPH WILSON: "Yeah. Crazy stuff, huh? Did you read my op-ed?"

JUDITH MILLER: "Uh huh. And we're just following up here, trying to get something for the front page, and..."

JOSEPH WILSON: "Does the double-breasted make me look fat?"

JUDITH MILLER: "Excuse me?"

JOSEPH WILSON: "Sorry, Jude, I'm doing 'Hardball' tonight and you caught me getting a new suit. I'm talking to the guy here."

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "No, no, Meester Vilson. De jacket, she convey authority an a kind ov secksul energy."

JOSEPH WILSON: "Fantastic! But I'll need a new shirt for Stephanopoulos."

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "Come here to de shirtings area."

JUDITH MILLER: "Joe?"

JOSEPH WILSON: "Sorry, Jude. I'm listening. What do you need? Not that kind of collar, it makes my face look all poochy. That one. Oh, nice. Does this come in other colors? I think I'm doing Russert on Sunday. Jude, you there?"

JUDITH MILLER: "Joe, should I call you back?"

JOSEPH WILSON: "No, no, this is a great time. I'm getting a facial later and I can't talk with the goop on my face. Did I look too red last night on Koppel? I thought I looked red."

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "No, no, Meester Vilson. You look like some kine ov got, some kine of deety."

JOSEPH WILSON: "Great! Can we look at ties?"

JUDITH MILLER: "Joe, I'm sort of on deadline. Can I just get a couple of questions in?"

JOSEPH WILSON: "Go, go. Yeah. I'm here."

JUDITH MILLER: "Well, I'm getting a lot of weird signals from some sources I have at

Central Intelligence that your report from Niger may not have been so unequivocal..."

JOSEPH WILSON: "Solids. The little pattern things look too Hermes-y."

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "But de contrass will light up your beautiful face."

JOSEPH WILSON: "True."

JUDITH MILLER: "Joe?"

JOSEPH WILSON: "Yeah, I heard. The CIA push back? Right. Too pink, I told you I look too red as it is. Right. Can we take the jacket in a little on the chest? I want to look like I'm bursting out of it."

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "Like as eef you are de supermans?"

JUDITH MILLER: "Joe, c'mon! I need to file."

JOSEPH WILSON: "What do you want me to say, Judith? Too tight. Push back from the agency is just CYA, okay? That's how the game is played. I went over there, looked around, brought back some amazing basketwork, by the way, and wrote my report. The agency has egg on its face and it wants to blame me. You want a quote? I'll give you a quote! My own freakin' wife is a CIA operative, okay? She told me it was going to be a no-win situation and she's the one who got me the gig in the first place! Oh, nice. Nice. I need it all by this afternoon, okay?"

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "Bud ov corz, Meester Vilson."

JOSEPH WILSON: "Um, Jude, that last part was on background, okay? Like, seriously background. Okay?"

JOSEPH WILSON: "Judith?"

JOSEPH WILSON: "Judith, you there?"

JOSEPH WILSON: "Judith?"

UNIDENTIFIED FOREIGN-SOUNDING MALE VOICE: "I need to swipe your card."

End Extract

Second Extract

(Presidential Archives Act authorized)

UNIDENTIFIED MALE VOICE: "Thanks for talking to me, Karl."

UNIDENTIFIED MALE VOICE: "Happy to, Matt. Happy to. You're one of the few guys writing about politics who really gets what I'm trying to do."

MATT COOPER: "I appreciate that, Karl. But before I let you go, I want to get your thoughts on the Joseph Wilson thing."

KARL ROVE: "Yeah, okay. He's on Wolf Blitzer right now."

MATT COOPER: "Well, I'm wondering how the White House is responding to his charges that..."

KARL ROVE: "Switch... meeting... to... Tuesday... okay... and... send."

MATT COOPER: "Karl?"

KARL ROVE: "Sorry, Matt. On the BlackBerry for a sec. What was the question?"

MATT COOPER: "Is the Joseph Wilson fallout damaging the credibility of the White House?"

KARL ROVE: "Wilson? He's on Wolf Blitzer right now. Turn it up, okay?"

UNIDENTIFIED INTERN-SOUNDING MALE VOICE: "Yes sir."

MATT COOPER: "Karl?"

KARL ROVE: "Wilson... on... Blitzer... monitor... and... send."

MATT COOPER: "Should we talk some other time, Karl?"

KARL ROVE: "No, no. I'm just on the BlackBerry. And I've got Blitzer on the TV here."

MATT COOPER: "Well, what's your response to..."

(Dinging noise)

KARL ROVE: "Just got an IM. Can't... respond... got... Matt... Cooper... on... the... phone... send."

MATT COOPER: "Karl? Maybe I should just call you back."

KARL ROVE: "No, no. Sorry. These damn things. I got the BlackBerry going and the computer dinging and the TV on and I know, it's terrible. Hey, my wife hates it too, if that makes you feel better."

MATT COOPER: "Well, is there any way..."

(dinging noise)

KARL ROVE: "Turn it up! I just got an IM saying that Wilson just said Cheney picked him for the job! That damn guy just won't stop lying! That... damn guy... just... won't... stop... lying... and... send."

MATT COOPER: "Cheney didn't?"

KARL ROVE: "No, his wife is some damn thing at Central Intelligence. She put his name in. On... phone... with... Matt... Cooper... okay... to... tell... him... about... Wilson... wife... question mark... and... send."

MATT COOPER: "Wait. You're saying that Wilson's wife works at the CIA?"

(dinging noise)

KARL ROVE: "Whoops. That last thing was on, like, secret background, okay?"

(dinging noise)

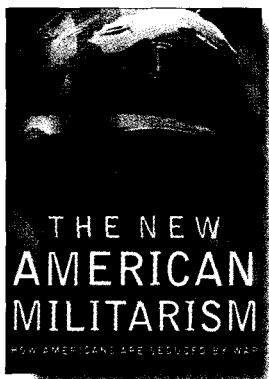
KARL ROVE: "Make that double secret background. Sorry... wasn't... thinking... my... bad... Cooper's... cool... no... worries... and... send."

KARL ROVE: "Okay, Matt?"

KARL ROVE: "Matt?"

KARL ROVE: "Matt, you there?"

A Force for Good



*The New American Militarism:
How Americans Are Seduced by War,*
by Andrew J. Bacevich
(Oxford, 288 pp., \$28)

MACKUBIN THOMAS OWENS

ONE is not normally inclined to pay much attention to a book with the phrase “American militarism” in its title. The charge of “militarism” is too often an all-purpose indictment of American society, meaning as little today as it did when old-style Marxists hurled it. But I happen to know that Andrew Bacevich is a very serious person—and, indeed, *The New American Militarism* is a very serious book.

Bacevich is a West Point graduate, a Vietnam veteran, and a retired professional soldier who holds a Ph.D. in history from Princeton. He is currently director of the Center for International Relations at Boston University. His perspective is that of the “traditional” conservative: In the 1990s, he wrote

Mr. Owens is an associate dean of academics and a professor of national-security affairs at the Naval War College in Newport, R.I. He is writing a history of U.S. civil-military relations.

frequently for NATIONAL REVIEW.

While it is clear that Bacevich doesn’t think much of President Bush and his circle of advisers, this is not a Bush-bashing book per se. His self-proclaimed objective is to help restore good sense and realism to American thinking about war by calling attention to what he describes as the unholy marriage of the militarization of American society and utopian, eschatological ends.

According to Bacevich, American militarism manifests itself in a number of ways. The first is the tendency to value military power for its own sake, and view it as the truest measure of national greatness. The second is an increased propensity to use force, leading to the normalization of war. The third is the emergence of a new “aesthetic” of war in which the old vision of war as barbarism, brutality, ugliness, and waste has been replaced by one of high-tech, surgical, frictionless, and “virtual” war—war as spectacle, to be conducted at a safe distance. The fourth is the boost in the status of military institutions and a romanticized view of soldiers, creating a society in which the biggest sin is failure to “support the troops.”

Bacevich rejects the “conspiracy theory” of American militarism, the simplistic idea that in 2000, the government was seized by a cabal of militarists. Nor was 9/11 the cause of the new militarism. He traces it instead to the confluence of a number of narrative strands that go back to the 1960s. “Out of defeat [in Vietnam],” he writes, “emerged ideas, attitudes, and myths conducive to militarism.” His discussion of these is the most interesting and provocative part of the book.

The first narrative strand was the attempt by military officers to rehabilitate the reputation of their profession after Vietnam. This effort included the “Abrams doctrine” that, by making it impossible for the Army to fight wars without mobilizing the reserve and National Guard, effectively circumscribed the freedom of action of civilian leaders to take the country to war. Military officers also successfully argued that the military should be used only to fight conven-

tional wars, not irregular wars such as Vietnam—a position that was codified in the “Weinberger doctrine” and the “Powell corollary.” The beau ideal of this program was Colin Powell and its greatest success was Desert Storm in 1991.

The second narrative strand was the reaction of certain intellectuals—the neo-conservatives—who feared that the post-Vietnam loss of confidence at home would enable totalitarianism to triumph abroad. Noting that for many, “neocon” has become a term of opprobrium, Bacevich nonetheless gives a generally fair-minded account of the arguments advanced by such writers as Norman Podhoretz and Irving Kristol, who sought “to fuse American power to American principles, ensuring the survival of those principles and subsequently their propagation to the benefit of all humankind.”

The third strand was the contriving of a sentimentalized version of the American military in order to paper over the gap between the armed services and American society. The fourth was the rise to political prominence of evangelical Christians, who “imparted religious sanction to the militarization of U.S. policy and helped to imbue the resulting military activism with an aura of moral legitimacy.” The fifth was the attempt by a group of influential civilian strategists to repair their credibility—undermined by Vietnam—by essentially redesigning war, culminating in the “revolution in military affairs” (RMA) and the Bush doctrine of preventive war.

The sixth and final strand flowed from the shift in the U.S. strategic center of gravity from Europe to the Middle East. The author of this shift was Jimmy Carter. From 1945 to 1979, U.S. Mideast policy had two goals—stability and access to oil—and it sought them in a way that minimized overt U.S. military involvement. But Carter, in response to the overthrow of the shah of Iran and the Soviet invasion of Afghanistan, announced that any attempt by an outside force to gain control of the Persian Gulf region would be regarded as an assault on vital U.S. interests—and would be repelled by any means necessary, including military force. According to Bacevich, the resulting overt presence of the U.S. military in the region has helped to fuel resentment in the Arab and Muslim world, resulting in 9/11 and subsequent events.

Bacevich has a series of proposals that he believes would make U.S. military policy more realistic. We should, he says, return to the intentions of the Founders; revitalize the separation of powers; view force as a last resort; enhance our strategic self-sufficiency; organize the military for national *defense* rather than the broader concept of national *security*; revive the concept of the citizen-soldier; and reduce the cultural gap between the military and American society.

The New American Militarism includes much that is correct and useful, especially about civil-military relations. But its overall critique is flawed. While Bacevich encourages us to heed the intentions of the Founders, he ignores the fact that while they agreed that the U.S. was to be a republic, the Founders differed concerning the sort of republic it should be. Thomas Jefferson envisioned an agrarian society incompatible with empire; Alexander Hamilton desired a commercial republic that could develop into a "republican empire." In the Federal Convention, Charles Pinckney—anticipating Bacevich—asserted the predominance of domestic policy: "We mistake the object of our government, if we hope or wish that it is to make us respectable abroad." To which Hamilton replied (in Madison's paraphrase): "It had been said that respectability in the eyes of foreign nations was not the object at which we aimed; that the proper object of republican Government was domestic tranquility & happiness. This was an ideal distinction. No Government could give us tranquility & happiness at home, which did not possess sufficient stability and strength to make us respectable abroad."

Our current foreign policy is very much in line with the vision of Hamilton, whose contributions to the American founding were at least equal to those of Jefferson. Yet Bacevich claims that the Bush doctrine smacks more of a Wilsonian crusade—an attempt to "democratize" the world no matter what the cultural or political circumstances. The Bush doctrine is, in fact, informed more by Thucydides than by Woodrow Wilson. Thucydides pointed out that an important goal of both Athens and Sparta was to establish and support

regimes similar to their own, democracies in the case of Athens and oligarchies for Sparta. The implication is clear: The security of a state is enhanced when it is surrounded by others that share its principles and interests.

Bacevich may not approve, but the United States is just such a "hegemonic power"—and that is a good thing, not only for the U.S. but for the world. The overarching goal of U.S. foreign policy since World War II has been to create and maintain a liberal world order. The U.S. has been able, for the most part, to achieve this goal, by establishing and securing a commonality of interests among a broad array of other states, while deterring the use of force by potential aggressors.

The Bush doctrine is informed more by Thucydides than by Woodrow Wilson.

According to "hegemonic stability theory"—the intellectual foundation of the Bush Doctrine—such a liberal world does not just arise spontaneously. The conditions for peace and prosperity must be created and maintained by the U.S. or some other hegemonic power willing and able to provide the collective goods of economic stability and international security.

According to the theory of hegemonic stability, a decline in relative U.S. power would create a more disorderly, less peaceful world. A monitory precedent is the decay of Pax Britannica, which decay, many believe, created the necessary if not sufficient conditions for the two world wars of the 20th century. As British hegemony declined, smaller states that previously had incentives to cooperate with Britain "defected" to other powers, causing the international system to fragment. The outcome was depression and war. The decline of American power could lead to a similar outcome. The underlying assumption of the Bush doctrine is that the world is a dangerous place in which peace is maintained ultimately by the power of the strong. For the United States to be fully secure and prosperous, everyone must be secure and prosperous. Such a liberal world order has been possible only because the U.S. has been able and willing to make the effort to create and maintain it. Bacevich's prescriptions will not enhance the security of the United States, but diminish it. **NR**

A Perfect World



Picture Imperfect: Utopian Thought for an Anti-Utopian Age,
by Russell Jacoby
(Columbia, 240 pp., \$24.95)

JOHN WILSON

TWENTY years ago, in the Reagan years, Russell Jacoby was brooding over what he regarded as the taming of the American Left—in particular, of the generation that had come of age in the 1960s. What had happened to the young intellectual firebrands of that decade? Were they dead, exiled, imprisoned in the far-flung outposts of the American gulag? No. They were comfortably ensconced in the academy, seduced by tenure, producing unreadable monographs and feeling very self-righteous.

Jacoby wanted to write about this sad state of affairs, issuing a reproach and a call to arms, but he realized—or perhaps his literary agent reminded him—that only a few hundred people would be likely to buy such a book. So he conceived a grand thesis: Intellectuals in America, of whatever ideological stripe, were an endangered species. Old campaigners such as Daniel Bell, Irving Howe, and others of their generation—lucid, socially engaged, accountable to a large public—were still on the scene, but their successors were missing, swallowed up by the omnivorous university and the soulless suburbs. Here

Mr. Wilson is the editor of *Books & Culture*.

were the makings of a jeremiad, even if the author himself only half believed the story he was telling.

The Last Intellectuals: American Culture in the Age of Academe was published in 1987 to wide acclaim. Many people who should have known better (Christopher Lasch, for one) praised it, perhaps simply because they relished the much-deserved skewering of academic follies. The book rudely yoked the sectarian interests that animated Jacoby's project in the first place—two long chapters are devoted to “The New Left on Campus”—with sweeping pronouncements that read like warmed-over George Steiner: “The rhythm of the lives of intellectuals permeates their writings. This is not surprising. If telephoning supplants letters and cafés yield to conferences, thinking itself—its density and parameters—may echo the shifts. The decline of bohemia may entail not simply the decline of urban intellectuals and their audience, but of urban intelligence as well.”

It's clear in 2005—as at least some readers had already recognized in 1987—how preposterous all this was. While Jacoby was wistfully looking back at the “bohemia” of yore, the Internet was about to explode. (Please don't leap up to say that much of what gets posted on the web is sludge. And what came from Jacoby's cherished cafés and coffeehouses was pure gold?) Urban intelligence is alive and well today—which is to say it's as vigorous and flawed and penetrating and perverse as it was in New York in 1950—and rural and suburban intelligence too, emanating from Michael Pollan's Connecticut garden; from Wendell Berry's farm in Port Royal, Ky.; from D. J. Waldie's Lakewood in the suburbs of Los Angeles; from Victor Davis Hanson's acreage outside Fresno, Calif.; and from other redoubts of contrarian conviction. Thinking itself—its density and parameters, its specific gravity and quantum spin—lurches on.

Jacoby's new book, *Picture Imperfect*, is in some respects a replay of *The Last Intellectuals*. Here the grand thesis is that “we” (who exactly are “we,” anyway?) have lost the capacity to envision a different world: “Buoyant

idealism has long disappeared. In an age of permanent emergencies, more than ever we have become narrow utilitarians, dedicated to fixing, not reinventing, the here and now.”

If, in the earlier book, the forces of complacency were represented by the academy, here Jacoby directs his fire against the “anti-utopian ethos” exemplified by Karl Popper, Isaiah Berlin, and Hannah Arendt. By exaggerating the link between utopian aspirations and totalitarianism, Jacoby charges, these dour spirits have constrained our capacity to think creatively about the future. And they've been aided and abetted by the ceaseless bombardment of images accompanying our every waking moment, images that kill the imagination.

The utopian tradition itself is not without fault, Jacoby concedes. The detailed “blueprints” for the future that characterize many utopias—prescriptions for dress and diet and spelling reform and whatever other bees are buzzing in the visionary bonnet—often have a barely hidden authoritarian cast, and they soon become dated even when they are not immediately absurd. An antidote is to be found among the “Jewish iconoclastic utopians,” as Jacoby calls them—figures such as Gershom Scholem, Walter Benjamin, Theodor Adorno, Gustav Landauer, and Ernst Bloch, who “longed, waited, or worked for utopia but did not visualize it.” These thinkers, Jacoby claims, “did not privilege the eye, but the

ear”; in doing so, “they obeyed the commandment prohibiting graven images. God, the absolute, and the future defied visual representation.”

Such a summary hardly conveys the bravura incoherence, the portentous nullity, and the sheer bad faith of this book. Just as he began *The Last Intellectuals* by acknowledging that his grand thesis was perhaps exaggerated, not to say downright false, so Jacoby begins *Picture Imperfect* by hedging: “Every generalization is false. We live in an age of hope and transformation. We also live in an age of resignation, routine, and perhaps alarm.” Then why proceed to write a book on the premise that we live in an “anti-utopian age”? Do we or don't we?

What, by the way, would the opposite of an “anti-utopian age” look like? To emphasize the contrast with our allegedly anti-utopian age, Jacoby notes that many utopian communities sprang up in 19th-century America. But this was the same period in which European travelers and not a few homegrown dissidents routinely bemoaned the relentless materialism of Americans, their single-minded pursuit of the almighty dollar. In our own time—when the dreams of the Sixties sustain a veritable industry dealing in utopian nostalgia—the equivalent of those 19th-century communities can be found in the so-called New Religious Movements, which are proliferating at a rapid rate, many of them animated by utopian strains. And we hear every day the unapologetically utopian rhetoric of biotechnology and artificial intelligence. (Has Jacoby never read Ray Kurzweil or any of his ilk?) Claims that human beings are about to remake themselves in godlike fashion do not suggest weary resignation to the here and now. We're going to live forever, we're going to download our consciousnesses and become “spiritual machines,” we're on the cusp of the most epochal transformation in the long eons of human evolution—so the utopian futurists say. Jacoby, meanwhile, takes a close look at the four walls of his study and issues his magisterial verdict: “Today, however, the utopian vision has flagged; it excites little interest.”

Yet even more bizarre is the political logic of Jacoby's argument. On the first page of the first chapter, he asserts that “the choice we have is not between

A ROSE AND MILTON

Of roses in their infinite blossomings
That have been lost to time in time's abyss,
I want one to be spared from nothingness,
One without stain or sign among the things
That once existed. Fate grants me the grace,
The honor of first naming that sublime
And wordless flower, the rose that one last time
John Milton held a hairs-breadth from his face,
Not seeing it. From gardens long disperse,
O thou, yellow or white or burning red,
Come as by magic from thy myriad
Lost centuries and flourish in this verse,
Ivory, gold, or blood, or vague shadows
As in his hand once, O invisible rose.

—ROBERT MEZEY
after Borges

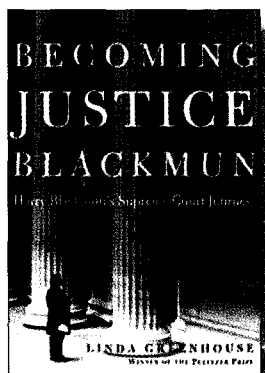
reasonable proposals and an unreasonable utopianism. Utopian thinking does not undermine or discount real reforms. Indeed, it is almost the opposite: practical reforms depend on utopian dreaming—or at least utopian thinking drives incremental improvements.” That’s a provocative assertion, and when Jacoby suggests that it is the Jewish iconoclastic utopians in particular who should inspire “a utopian passion with practical politics,” the claim becomes not merely provocative but well-nigh incredible; it’s not easy to make the case for Scholem, Benjamin, Adorno, Landauer, and Bloch—however rich their tangled legacies—as driving “practical reform” and “incremental improvement.” So the reader waits with interest to see how Jacoby will do it. And waits. And waits.

If Jacoby wanted to argue that what passes as the common wisdom—the “realism” that scorns genuine alternatives as hopelessly naïve—is often blind arrogance, he would be on strong ground. Even when the Soviet Union was on the brink of collapse, the “realists” insisted that talk about the imminent demise of the Communist bloc was wishful thinking, and dangerous too. Yet so attached is he to his incoherent thesis, Jacoby cites the “collapse of the Communist states beginning in 1989” as one of the principal reasons for the supposed *absence* today of bold, hopeful thinking about the future, thinking “against the grain.”

A good book illuminates; a bad book muddles. This is a very bad book, with muddle on almost every page. (Walter Benjamin, he of *The Arcades Project*, privileging “the ear, not the eye”? Or consider Jacoby’s account of the long-discredited theories of Thorleif Boman, which Jacoby wants to revive: “He judges Greek thinking static, peaceful, and moderate, and Hebrew dynamic, vigorous, and passionate.” Will someone please point Professor Jacoby to the works of G. E. R. Lloyd, for starters, for an account of the fundamentally adversarial character of Greek culture? So it goes throughout.) With the exception of the designer, who has produced a handsome volume, everyone connected with this project should repent and do penance. For Jacoby himself I recommend a vow of silence. Whereof one is incompetent to speak, thereof one should keep his mouth shut.

NR

Wild About Harry



Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey,
by Linda Greenhouse
(Times, 288 pp., \$25)

ROBERT P. GEORGE

As a theory of political morality and a practical political philosophy, liberalism is nearly exhausted. Despite decades of hegemony in academic political theory, the leading theologians of the liberal faith, including most notably the late John Rawls of Harvard, have failed to produce an intellectually plausible defense of its dogmas. In the world of public affairs, liberalism’s self-proclaimed keepers of the flame—from Teddy Kennedy to Michael Moore to Al Sharpton—are shrill and ridiculous. Most Democrats and all Republicans refuse to accept the term “liberal” as a label for their views; those unwilling or unable to be classified as “conservatives” proclaim themselves to be “progressives” or, more commonly, “moderates.”

Still, there are true believers in that old-time religion of liberalism. For them the story of Harry Blackmun, as recounted by *New York Times* Supreme Court reporter Linda Greenhouse, is a wondrous tale of redemption.

Harry, you see, was a boring guy. In fact, he was worse than a boring guy. He

Mr. George is a professor of jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton.

was a square. He was a Republican.

He was from the Midwest. He went to Harvard on a scholarship from the Harvard Club of Minnesota. He took summer jobs installing windows and delivering milk. He worried about finances.

He went to Harvard Law School, where he ranked 120th in a class of 451. He returned to Minnesota to clerk for a judge and then practice law with a corporate firm in Minneapolis-St. Paul. He wore dark suits and skinny ties. He worked in the firm’s tax department. His first car was a Ford coupe with a rumble seat, for which he paid \$702.14. He named it “Mignon.” He married a girl he met on the tennis court. They had three children.

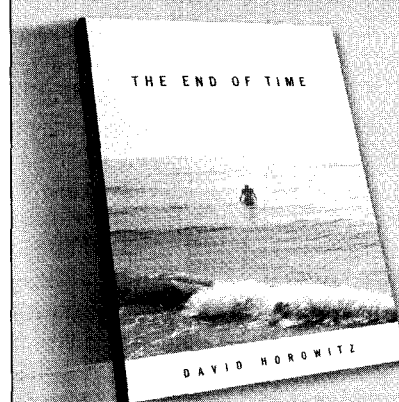
Did I mention that Harry was a Republican?

One of Harry’s clients was the Mayo Clinic. It was filled with rich doctors. Harry did their tax work and provided estate-planning advice. They liked him so well that the Clinic offered him a position as its resident counsel. He accepted.

Harry’s best friend was Warren E. Burger—another square, another Republican. When Burger became a federal appeals-court judge, he worked through his

“The End of Time shows us another more reflective side of David Horowitz, as he writes about health and illness, life and death, and the here and now and the hereafter. With references to work of philosophers such as Blaise Pascal and novelists such as Saul Bellow, Horowitz has put his life—and ours—into a rich literary and intellectual context.”

—Victor Davis Hanson, author of
Courage and Civility: Leaders in the Past, the Present, and the Future



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Republican cronies to help engineer a similar appointment for his pal Harry. Harry sat on the bench and followed precedent.

Burger was appointed Chief Justice of the United States by the evil Nixon. Soon Harry would be nominated by “Tricky Dick” to join his boyhood friend on the Supreme Court. Harry was so boring that his nomination was confirmed in the Senate by a vote of 94–0. It was 1970.

But the Lord works in mysterious ways His wonders to perform!

In 1972, the Supreme Court took up *Roe v. Wade*, a case challenging the authority of states to prohibit abortions. The chief justice assigned the case to his friend Harry, who, after all, knew a lot about medical matters since he had represented the Mayo Clinic. And abortion is a medical matter . . . sort of . . . isn’t it?

Harry got in touch with librarians at the Mayo Clinic who helped him gather information on the history of abortion. Before completing his opinion for the Court, he went to the Mayo library to do some research. He asked his wife and daughters what they thought about abortion. He studied the latest Gallup poll on the question.

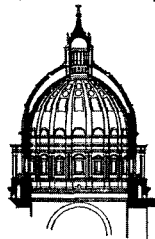
Harry produced a long opinion, filled with references to history and precedent. He and six of his colleagues had discovered a fundamental right to abortion in the due-process clause of the Fourteenth Amendment. This right to “terminate a pregnancy,” as he delicately described the practice of intentional feticide, was part of a generalized “right to privacy” that the Court a few years earlier (before Harry joined) had found lurking in penumbras formed by emanations.

The reasoning was . . . how does one say this politely? . . . weak. Harry made a complete hash of the legal history of abortion and the absence in his opinion of anything resembling a constitutional argument was embarrassing. Even some devout liberals in the world of legal scholarship—such as Professors Archibald Cox and John Hart Ely—pronounced *Roe v. Wade* indefensible. But no matter. The truest of liberal true believers were confident that the law professoriate would somehow supply the deficiency of argument in *Roe*. The important—and amazing—thing was that boring old Republican Nixon—appointed

Harry had delivered the biggest prize of all to the liberal faithful: a virtually unrestricted, constitutionally guaranteed right to abortion! Amens and hallelujahs arose from the congregation.

Of course, Harry would be vilified by conservative Christians and other fuddy-duddies. But this would serve only to confirm his belief in the rightness of what he had done and open his mind more generally to the righteousness of liberal doctrine. From now on, he would no longer be boring old Harry the square Republican. He would be a full-fledged *jurist*, indeed a lion of liberal jurisprudence, right up there with William O. Douglas, William J. Brennan, and Thurgood Marshall. Harry was redeemed! He had become Justice Blackmun.

In telling this tale, Greenhouse does her best—until almost the very end—not to gush. Although no reader will be in doubt as to where her sympathies lie, the book does not descend into hagiography. It is for the most part a straightforward factual account, properly documented, of how Harry Blackmun went from being a square



Republican tax lawyer in Minnesota to being what Greenhouse describes as an “improbable icon” of what it pleases her and others in the mainstream press to call “abortion rights.” Naturally, the core of the book concerns *Roe*, since it was that ruling (in 1973) that transformed boring old Harry into Justice Blackmun. But Greenhouse includes discussions of Blackmun’s liberal epiphanies in other areas, such as the death penalty. (He eventually discovered that the Constitution prohibits it. Who knew?)

Amid the mass of trivia establishing that Blackmun, prior to his redemption, had been boring, square, and Republican, Greenhouse has managed to produce some rather interesting factoids. For example, after *Roe* was handed down, Blackmun received a letter from a Catholic priest with whom he had been friends. Fr. Vern Trocinski was on the faculty of St. Teresa College in Winona, Minn. The priest said that, though he “treasured” his friendship with Blackmun, he was having “a very difficult time” with the *Roe* ruling, and felt an “obligation church-wise and civil-wise to speak out in defense of the unborn.” In reply, Blackmun professed his “abhorrence” for abortion. (Yes, you read that right: *abhorrence*.) He asked Fr. Trocinski

to understand, however, that the decision did not address the rightness or wrongness of abortion. “The Court’s task,” he advised the priest, “is to pass only on the narrow issue of constitutionality.”

Blackmun’s claim that he and his colleagues were abstaining from moral judgments and merely ruling on a “narrow issue of constitutionality” is risible. As Cox, Ely, and other honorable liberal critics of *Roe* candidly observed, there is nothing in the text, logic, structure, or original understanding of the Constitution creating a right to take the life of a child in the womb. To establish the proposition that there is such a right, it was necessary for the justices to import into their “legal” reasoning an elaborate set of undeniably *moral* judgments about, for example, the meaning of liberty and the value of human life.

And then there is that business about Blackmun finding abortion to be “abhorrent.” What is abhorrent about it? We ordinarily don’t regard medical procedures as abhorrent. There is nothing abhorrent about an appendectomy or tonsillectomy. In the case of abortion, could it be the little matter of hacking off limbs, suctioning out body parts, and reassembling them to make sure that no parts of the baby (oops! I mean fetus) are left inside the mother (oops! I mean woman) to cause infection? I suppose that really is abhorrent in ways that appendectomies and tonsillectomies are not. Then again, perhaps Justice Blackmun and I are just squeamish.

As Greenhouse points out, Blackmun in *Roe* seemed to vacillate between understanding the abortion right as the right of a woman to exercise a species of personal liberty and seeing it as the right of her doctor to make a decision about her health. His official, quasi-doctrinal statement in the opinion was that it is a right of the woman in consultation with her doctor. The pro-abortion feminists who came to lionize Justice Blackmun didn’t much like the bit about the doctor. For them, abortion was a matter of liberty (or “autonomy”), not a medical matter. Eventually, they brought Blackmun round to their way of seeing things. This, too, was part of his redemption. In accepting their applause, he stopped talking about doctors. And he got very quiet indeed about his abhorrence of what is done to a human being developing in utero when women exercise the sacred right he vouchsafed unto them. NR

Giving Them The Business



The United States of Wal-Mart,
by John Dicker (Jeremy P.
Tarcher/Penguin, 245 pp., \$12.95)



*The Wal-Mart Way: The Inside Story of
the Success of the World's Largest
Company*, by Don Soderquist
(Nelson Business, 240 pp., \$24.99)

ALEXANDER ROSE

THERE'S no more perfect person than I to write this review. I have shopped at Wal-Mart precisely twice, in Pennsylvania and in New Hampshire, and each time I was most impressed by its everyday low prices. But I can't say that, living as I do here in unWal-Marted, West Village Manhattan, I miss it. Put bluntly, I just don't care very much either way about Wal-Mart. So, when confronted by these two books—which take diametrically opposed positions on the Beast of Bentonville—I like to think that my judgment will be not just Solonic in its

brilliant and masterful vigor, but Solomonic in its sheer disinterestedness.

Let us turn to the books under review. Each is a perfect specimen of a certain genre of literature, with all the pros and cons that entails. John Dicker's *The United States of Wal-Mart* is a classic anti-corporate tract. So, on the front, we have a cartoon illustration, provided by that nice Ted Rall, of a bug-eyed Statue of Liberty clothed in a Wal-Mart-issued blue vest. On the back, there's a photo of Dicker, an earnest young man in a striped sweater who looks like the new social-studies teacher at a Midwestern high school. His bio tells us that "his work has been published in *The Nation*, *Salon*, and numerous alternative newsweeklies." Of course it has.

Dicker really hates Wal-Mart and everything it stands for, but replace "Wal-Mart" with Bechtel (remember them, back in the '80s?), Exxon, Starbucks, The Gap, McDonald's, Union Carbide, Nike, Monsanto, Halliburton, Philip Morris, the Carlyle Group, etc., and you'll find the arguments very, very familiar. That's not to say some of the criticism isn't true or deserved, it's just that it's kind of old.

Consequently, we hear the usual atrocity stories about evil union-busters, lack of health-care benefits, the refusal to pay a "livable wage," overseas sweatshop labor, the destruction of independent businesses, and so forth, all backed up with research culled from a quickie Lexis-Nexis search or derived from sympathetic sources. Thus, on page 223 alone, we find footnotes citing *The Nation*, Liza Featherstone's book *Selling Women Short: The Landmark Battle for Workers' Rights at Wal-Mart*, the *Colorado Springs Independent* (one of the alternative weeklies for which Dicker has written), an interview with a union leader, and *Socialist Worker Online*. Unfortunately, Dicker doesn't appear to have talked to anyone actually working at Wal-Mart who's not already on his side.

The guy he *should* have talked to is Don Soderquist. He's the former vice chairman and chief operating officer of Wal-Mart, and you can tell. In his cover shot, he looks exactly what you would expect a Wal-Mart senior executive to look like, what with his conservatively trimmed gray hair and generic suburban-white-guy appearance. Soderquist is wearing a plain, white, buttoned-down, precisely ironed shirt, dark trousers, and a

tightly knotted colorful-but-not-crazy-colorful (white, navy, burgundy, gray) tie designed to set off, yet complement, the rest of the pointedly bland, inoffensive look. No jacket, interestingly: These Big Biz guys have avoided the 1950s Corporation Man outfit ever since a jacketless Lee Iacocca was snapped for the cover of his bestselling autobiography. Since Iacocca's day, though, judging by recent book photos, America's supremos have also decided to abstain from wearing cufflinks—either because French cuffs detract from their self-image as Determined Innovators or because they come across as too swish in the red states. Soderquist, accordingly, has rolled his single-cuffed sleeves to the mid-forearm, amply demonstrating Wal-Mart's get-the-job-done approach to corporate leadership. Clipped to his breast pocket is a Wal-Mart I.D. card with "Don" modestly printed on it. He's just one of the guys.

The Wal-Mart Way is an exemplar of The Business Book, that all-American amalgam of folksy self-help advice, secularized Christian principles, and meaningless pap aimed at convincing you, Mr. Assistant Regional Marketing Coordinator, that you too are a titan in the making. These books have one common characteristic: Like Soderquist, they don't really say anything (even as Dicker & Co. say the same thing, over and over again). So there's lots of abstract talk about "vision," "the execution imperative," "making a commitment to help your customers succeed," and "achieving excellence," and there are suitably uplifting quotes from people like Benjamin Disraeli (a one-nation Tory I suspect would not be pleased with the Wal-Mart Way), Francis Bacon, Benjamin Franklin, Johnny Carson, and the like—but none of this is converted into describing the absolutely single-minded and fanatical ruthlessness with which Wal-Mart proceeds on its way to dominate the world and wedge its competitors. Having ploughed through 200-odd pages of Soderquist's prose, I remain unaware of what exactly the Wal-Mart Way is, though it seems to have something to do with "improving the lifestyle of ordinary Americans" by being "the agent for the customer" and keeping prices "as low as we can" while adhering to Sam Walton's small-town principles.

Why all this brouhaha over a chain store, anyway? The issue hinges on

whether corporations owe a “debt to society,” and not just to their shareholders. But what kind of “society” should corporate “values” represent? As always, it all depends on who is doing the defining. The anti-corporate types—the Dicker sorts who typically denounce large companies as “soulless” and “uncaring”—envisage a social-democratic paradise of powerful unions, lavish benefits, and 35-hour workweeks. Presumably, like love in the *Ring* cycle, unionization will redeem the spiritually vacuous corporations that dominate the United States. The Soderquist camp, on the other hand, is convinced that corporations possess distinctive personalities, with their own (in this case, Wal-Mart’s) “way” of behaving that is nurtured and enforced by the senior staff. These “personality” companies, it seems to me, worship either their founder or their CEO—Sam Walton, of course, but not forgetting Jack Welch of General Electric and Warren Buffett at Berkshire Hathaway—in a cult form of basileiolatry. Just as medieval kings were the “fathers of their people,” whose interests and instincts naturally coincided with those of the masses, today’s corporate chieftains boast of the great things they and their everyday low prices do for their customers, and for society. The debt, so to speak, has been paid, and we owe fealty with our dollars.

So, is Wal-Mart good or bad? Tough question—and most likely a pointless one, since there is no way of accurately tallying the financial, political, and social pros and cons. All in all, I’d lean towards the positive side, for Wal-Mart does employ a staggeringly huge number of people here and abroad, does provide cheap products and useful services, does squeeze out inefficiencies by its suppliers, does contribute to dampening inflation by keeping prices low, does create competition for lazy local and regional retailers, and does venture into no-go urban areas ignored by other chains. On the negative side, Wal-Mart’s big, gray box architecture is shamefully ugly, the company does drive local wages down and bankrupts downtown businesses (not all of which are worth saving, by the way), and it fetishizes low prices, creating consumerist waste as a result. Wal-Mart’s not perfect, but then nothing is, and it’s not the worst by far. **NR**

Clearing The Air



Saving Our Environment from Washington: How Congress Grabs Power, Shirks Responsibility, and Shortchanges the People, by David Schoenbrod (Yale, 320 pp., \$28)

G. TRACY MEHAN III

CAN you imagine a world in which the Environmental Protection Agency “could no longer issue air quality standards” or “regulate hazardous pollutants”; in which “the federal government would exit entirely from some areas of regulation, such as drinking-water safety [and] almost entirely from many other areas, such as the cleaning up of abandoned hazardous-waste sites”?

David Schoenbrod can. A former litigator for the Natural Resources Defense Council (NRDC), a very litigious national environmental organization, he now finds himself an adjunct scholar at the libertarian Cato Institute—which sought him out, offering him support and a policy forum on his road to Damascus. In this new book, Schoenbrod articulates his bracing vision of a new regime of environmental protection. He depicts the dysfunctional relationship between Congress and the EPA, in which legislators pass

Mr. Mehan was the EPA’s assistant administrator for water in President Bush’s first term. He is a principal with The Cadmus Group, Inc., an environmental consulting firm in Arlington, Va.

incredibly ambitious, even unattainable, mandates and then delegate the hard part to the EPA, which has to write specific laws in the guise of administrative rule-making: “This arrangement lets members of Congress profit from the environment issue on the cheap and . . . gives them a personal stake in expanding the federal environmental-regulation franchise.”

Schoenbrod says that while “lawmaking by the EPA is inevitably political”—not necessarily in the partisan sense, but in the sense of legislative and prudential—“the agency is forced to dress up its politics as science.” As a card-carrying environmentalist, Schoenbrod views this charade as an impediment to environmental progress. He cites a couple of examples—removing lead from gasoline, and controlling acid rain through an innovative cap-and-trade program—in which real progress came about only when Congress specifically legislated, instead of delegating decision-making to the EPA. Absent such clear legislative direction, the EPA tends to bog down in the political and technical swamp inside the Beltway: “The EPA was born short on power and long on responsibility.”

Schoenbrod shares the view of many scholars, be they New Left historians or free-market economists, that large corporations often “capture” the regulated agencies in such a way as to limit competition, basically controlling the game through massive deployments of lawyers, lobbyists, and friendly politicians. Congressional buckpassing has created a gargantuan regulatory bureaucracy. In just one environmental statute, the Clean Air Act, specific commands from Congress increased from 8 pages in 1965 to 450 pages in 1990; implementing regulations under the same law now run to 7,200 pages, not counting technical and other supporting or “guidance documents.” Schoenbrod could very well have cited Tocqueville’s famous description of a power that “covers the surface of society with a network of small, complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate.”

Besides insisting that Congress legislate rather than delegate, the author is passionate in his call for devolving more environmental responsibility to the states and local governments. He introduces autobiographical elements about how he

came to this conclusion. He writes, poignantly, about friends in the cider business who just barely managed to stay in business in the face of inflexible FDA regulations on pasteurizing their product. He also has great respect for the place-based wisdom of his neighbors in upstate New York, where he owns a cabin; he links these experiences with arguments for federalism and a limited government that is closer to citizens and communities, better able to reconcile environmental protection with their economic and social conditions.

Schoenbrod embraces recent scholarship that documents environmental progress at the state and local levels predating the era of federal legislation in the 1970s. "The federal government," he concludes, "should step in only when states, left to their own devices, are likely to allow significant harm to be done beyond their own borders." Schoenbrod rejects claims that more devolution of power to the states would result in a "race to the bottom" in environmental quality. Citing recent studies, he maintains that there is little evi-

dence for this claim; there is, in fact, some evidence of an actual race to the top. Today, states feel even less temptation to race to the bottom because "environmental protection has become a potent political force."

Schoenbrod is an informed and vigorous advocate for a radical reorientation in U.S. environmental policy. He fails, however, to offer a broader perspective—one that would include the successes, not just the failures, of the current regulatory regime. At the conclusion of his account of delays and foot-dragging in the decades-long effort to clean up America's air, he states: "The story has a surprise ending. The air-quality standards on the books in 1990 will in fact be pretty nearly achieved everywhere by 2010." Surely more should be made of this: The (admittedly flawed) current system has yielded a decline in air pollution of 25 percent over the past three decades—even as gross domestic product increased by 161 percent, energy consumption by 42 percent, and vehicle miles by 149 percent. Schoenbrod does not review these data or provide

any international comparisons that would contribute to a realistic evaluation of the current regime.

It is probably unfair to consider harsh political realities when evaluating proposals as idealistic as those offered by this book, but Schoenbrod's call for Congress to do the right thing—i.e., make the hard calls on law and policy—reminds me of Steve Martin's old joke on how to make a million dollars without paying any taxes: "First . . . get a million dollars." The fact is that environmental policy is dense, technical, and controversial. In political terms it is not unlike trying to close down obsolete military bases; on that matter, too, Congress punted to an independent body.

Schoenbrod envisions an entirely different approach to environmental policy, one that recalls a more federalist, distributed approach to social regulation. While the current political climate may not allow for a robust discussion of his recommendation, that could certainly change if the Republicans ever got 60 votes in the U.S. Senate. **NR**

BLACKFORD OAKES IS BACK!

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—*Los Angeles Times*

"Buckley makes the going fun, in part by peppering *Last Call for Blackford Oakes* with real-life characters. But the best character is Oakes, who reflects so much of the author himself."

—*St. Louis Post-Dispatch*

"Blackford Oakes by sheer wit and charm might have won more liberals over to the conservative side than his creator Buckley ever managed on *Firing Line*."

—*Booklist*

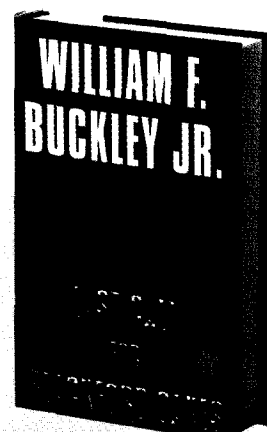
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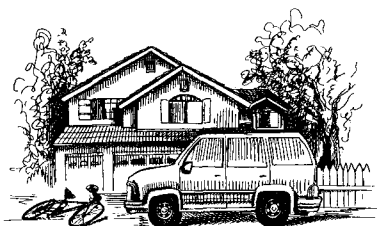
—*Washington Times*

Nearly thirty years ago William F. Buckley Jr. launched the dashing character of Blackford Oakes like a missile over the literary landscape. Against the backdrop of sinister Cold War intrigue, in this, his eleventh outing, Oakes crosses paths—and swords—with Kim Philby, perhaps the highest-ranking in the parade of defectors to the Soviet Union. Oakes is now himself a master spy, working out of the agency and around agency rules. It is inevitable that the great Soviet spy and renowned American agent will meet again—this time, with deadly consequences.



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Competitive Instincts



JOHN DERBYSHIRE

I AM glad to see that *The New Yorker* has recently started up a reader competition on its last page. The competition is to suggest a caption for a cartoon. Results, however, have so far not been very impressive. A recent cartoon shows a boss type running out of his office with a surfboard under his arm, saying something to the receptionist as he passes her desk. Winning caption: "Tell my one-thirty things got way gnarly." Hmm. Still, perhaps things will improve when competitive-minded readers get into the spirit of the thing. Or perhaps major talents are not being stirred to action, the captioning of cartoons being pretty low down on the scale of difficulty for magazine competitions. Try writing a love poem—minimum sonnet length—using only words of four letters; or a recipe in the style of *Paradise Lost*; or a book blurb designed to be as off-putting as possible to potential readers.

That is the kind of challenge one faced, and in fact still faces, in the famous *New Statesman* weekly competition. I spent my late-teen years reading that fine British socialist periodical, then under the editorship of that fine British socialist Paul Johnson. The competition page—as with *The New Yorker*, it was the last page; there is what anthropologists call a "human universal" here somewhere—was always a good place to start reading. The *New Statesman and Nation*, to give the periodical its full title (rendered around Fleet Street as "the Staggers and Naggers") has been running a weekly competition for readers since 1934, and this feature has risen to become part of the

common cultural stock of middlebrow Britons, some of the items being known to everyone. There is the challenge to offer misleading advice to foreigners, for example: "London barbers are delighted to shave patrons' armpits," etc.

I took that particular prizewinner from a published compilation of *New Statesman* competitions that I received as a Christmas present around 1978, which reappeared the other day when I was moving a pile of books from one inconvenient place in the attic to a different inconvenient place. Even with only a few dozen books involved, this is really an afternoon's work, as you soon discover a long-forgotten old friend and end up sitting there among the dust and bric-a-brac renewing the acquaintance. I actually turned up two of these *New Statesman* compilations, the 1978 one and a much older, smaller one printed on "austerity" paper in 1946, the circumstances of whose acquisition I have utterly forgotten. There went my afternoon.

The earlier volume has a period charm about it. Many of the competition entries dated from the war years, and there are some quite savage anti-German jibes here. Under "clerihews on musicians" we get:

Handel
Was a Hun, but not a Vandal.
The modern Goth
Is, unfortunately, both.

This was the great age of the clerihew, and they fill much of the book. Here's an affectionate dig at the Old Man:

Benghazi
Is in the hands of the Nazi
According to the Premier's information
And pronunciation.

Misleading advice to foreigners had not yet made an appearance, but there are many other ingenuities: obituary headlines for famous poets ("Wished Milton Alive: Danced With Daffodils"), last words (*Henry James*: "Eternity should enable me to extend my sentences"), first words (*Wagner*: "Fetch me a noisier rattle"), last words of animals (*The Calf*: "Why, it's the young master come home at last!"), and pastiches of Browning, Housman, and Jane Austen.

The later volume has of course a wider range, the competition setters (among

those listed in the 1946 book, by the way, are Cyril Connolly and V. S. Pritchett) having expanded and developed their repertoire across the years. There is the "Three in One," where you have to put the titles of three well-known books together to tell a story: *On the Beach*; *Jaws*; *A Farewell to Arms*. Or you might be asked to provide names that disclose the profession of the bearer: Phil McCavity (dentist). There are apposite anagrams, of course: Desdemona—One dead Ms. One famous author might rewrite another's book: Orwell/Dick Francis—*Animal Form*. Or you might have to supply a breathless movie/play notice ending in a pun: "Edward II—Gay king gets his come-uppance. Will keep you glued to your seat!"

The 1946 clerihews have been joined by a menagerie of new verse forms in the 1978 volume: nonets, limericks, synthetic poems made from famous lines ("Let us go then, you and I / Under the wide and starry sky . . ."), poems whose every line has the name of a poet hidden in it, and so on. A favorite of mine is the poem with near-miss rhymes:

I dreamed I discoed at the Ritz—
The evening warm, the music cool—
And gorgeous girls who tossed their curls
Admired my sleek and well-hung
clothes.

That last illustrates the greatest change from 1946 to 1978: the much wider scope given to salacity. Late-1970s *New Statesman* readers seem, in fact, to have had sex on the brain. Competitors are asked to provide coarse rugby-style songs for other games, or naughty versions of children's books: "'Off with her clothes!' roared the Queen. 'How very strange!' exclaimed Alice . . ." (Lewis Carroll would have smiled at that.)

The conservative London *Spectator* has a competition, too, but it has never quite attained the luster of the *New Statesman*'s. Since we on the political Right are always boasting that we are the ones with the ideas nowadays, it seems to me there is an imbalance here. Why, asked General Booth, should the Devil have all the best tunes? Well, why should a left-wing rag have the best competitions? *The New Yorker* has thrown down the gauntlet. Come on, editors, let's get something going here!

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WILLIAM F. BUCKLEY JR.

Yesterday's Battles

NEW YORK, JUNE 28

THIS is the season of war anniversaries, and these engender the best in humankind, and remind us that that which we once thought perduring, and bled and died for, winces away from moral inflexibility under the tides of history.

In Japan they are having a complicated time centering on Saipan. This island now belongs to us, and we paid dearly for it. Sixty-one years ago, from June 15 to July 9, 1944, our men fought to take the island, as the first step in wresting the Marianas away from Japan. The Japanese defenders resisted desperately, but the Americans finally prevailed. The island remains U.S. property, and there are no irredentist demands being made by the Japanese, even though they owned it throughout their empire days, from 1914 until we took it from them in 1944.

Life there today appears to center less on nationalist impulses than on the cultivation of tourism. What excited attention this week was the appearance on Saipan of Japan's elusive Emperor Akihito, son of Hirohito, whose death in 1989 we let pass by without a very industrious historical investigation of his bloody role first as conqueror of China, then as war leader in a military enterprise that kicked off with the attack on Pearl Harbor.

Coming to the point at hand, a decade or so ago, the citizens of Honolulu welcomed one of the pilots of the attack on Pearl Harbor, which proved to be a date that would not quite live in infamy—another broken promise by FDR. But the pilot was treated merely as a technician of war—a man who receives orders from above to drop bombs on particular targets, and does so without any thought to the moral consequences of the deed.

The disruption this week was on the matter of whose deaths was the emperor to grieve. Obviously the dead Japanese, and here he singled out for special atten-

tion, in addition to the soldiers who died fighting, the hundreds of civilians who died in a spectacular mass suicide rather than surrender to American soldiers.

The emperor intended to commemorate the loss not only of the Japanese who died in battle (40,000), and those who died by suicide (several hundred), but also the Americans who died (5,000) to conquer the island. Missing, in the original plans for the royal bereavement, was any notice of the hundreds of Koreans who died on Saipan, most of them there for forced labor. The emperor took stock of the protest and at the last minute scheduled a visit to the Korean memorial.

Meanwhile the prime minister of Vietnam, Phan Van Khai, arrived in Washington and was received in the White House by the president. The visit was moderately austere—half an hour in the Oval Office, no fireworks. President Bush said something about the desirability for the Vietnamese people of democratic government, and Phan Van Khai replied, All in due course; meanwhile we should be given access to the World Trade Organization. Vietnam pays avid attention to economic liberalism and now lists the U.S. as its largest trading partner. There were scattered protests outside the White House, mostly ex-South Vietnamese who are unwilling to deal amicably with the conqueror from the Vietnamese north who deprives the south of all those things (liberty, free press, self-government) we helped them fight for, but gave up.

It is good to forget, less good to forgive and forget. The great gesture of postwar Europe came when Charles de Gaulle welcomed Konrad Adenauer to Paris only a few years after a war ended in which Germans had occupied France, hunted down Jews, and visited Nazism everywhere they could extend their influence. The trick was to continue to hate and deplore the Nazis, while making peace with their successors. In Vietnam it is less easy, because the incubus is still there, strutting its stuff in Hanoi. We are hoping that it can be seduced away from its workaday savagery, as has happened



in China, by the muse of commerce.

So let the Vietnamese into the WTO, and hope that their concern for balance sheets (Prime Minister Khai stopped by to visit Bill Gates en route to the White House) will slake their appetite to exert their will over other people.

Iraqi Doubts

NEW YORK, JULY 1

TWO observations about Iraq survive the thousand and one made since the speech of President Bush. They are not coped with in the general slush of arguments for or against our intervention in Iraq, demanding discrete argumentation. The first was given thematic importance in a radio forum, the second was an afterthought on a seminar about Iraq.

The first: Was it worth it?

The air waves seemed to hang in suspense—was it worth the lives we've lost, money spent, alliances disrupted? The difficulty in the formulation is instantly seen. We do not know what has been accomplished, in the sense that we can know how many birds were killed at the dove shoot, or how many dollars were spent by the federal government last year.

So much depends on whether seeds were sown which will bear fruit. In a stirring essay in *Commentary*, Charles Krauthammer sets out his belief that democratic globalism is afire, and that that which has brought life and hope to the Iraqis is as consequential as the introduction of self-government in the new world proved in the 17th century. One could argue that the destruction of Saddam Hussein's regime and the affirmation of that destruction by the voters in January serve to freeze our accomplishments in place, so that we can think of Iraq, unencumbered some time soon by insurgencies, as if it were Switzerland set down in the Mideast, there to cultivate its distinctive freedom on into the future.

Krauthammer does much better, reminding us that it has become U.S. tradition to compromise in hard cases, as we did in accepting the Soviet Union as an ally in order to defeat Hitler. A properly oriented process of strategic purification sets in as when we proceeded to refine our articles of confederation with prob-

lematical allies. "Consider two cases of useful but temporary allies against Communism: Augusto Pinochet in Chile and Ferdinand Marcos in the Philippines. We proved our bona fides in both of these cases when, as Moscow weakened and the existential threat to the free world receded, we worked to bring down both dictators."

Now is the time, in this analysis, to move to disrupt Syria and to affirm the independence of Lebanon. "Syria has tried to destabilize all of its neighbors: Turkey, Lebanon, Israel, Jordan, and now, most obviously and bloodily, the new Iraq. We should . . . be doing everything in our power, both overtly and covertly, to encourage a democratic revolution in Iran . . . even while trying carefully to manage democratic evolution in places like Egypt, Saudi Arabia, and Pakistan." The eye turns to a geopolitical globalism, and the mind turns to the hard substance of freedom expanded, and the meaning of it for U.S. security.

The second matter of arresting influence is the genealogy of terrorism, and the bearing of it on the U.S. venture in Iraq. "Surely we know," writes a student of the war, "that hardly any of the insurgents . . . that we are now fighting in Iraq had any connection whatsoever to 9/11. The claim that we are fighting today the same war that began on 9/11 makes sense only on the assumption that in some more-than-metaphysical sense, the entire Arab-Muslim world was complicit in the 9/11 attacks. Perhaps this assumption is defensible, but it is at the very least not obvious, and needs to be spelled out."

There weren't that many individuals involved in the attack on Pearl Harbor. But it was the act of a government and blessed by a live, indeed immortal, emperor, so that we ended by dropping atomic bombs on people who hadn't the least connection with Pearl Harbor. The people involved in 9/11 weren't numerous—perhaps only a few hundred. How many hundreds—thousands?—tens of thousands?—do we hold responsible?

A useful term here would be the Talibanate. Our direct post-9/11 assault was against the Taliban government in Afghanistan, where al-Qaeda met and plotted. The involvement of the government of Iraq with the Talibanate was at many levels. Andrew McCarthy, a senior fellow at the Foundation for the Defense

of Democracies, published an essay on al-Qaeda and Iraq on National Review Online the day after the president's speech. The essay has a tag line: "Just tell us one thing," he addresses the skeptics. "Do you have any good answer to what Ahmed Hikmat Shakir"—an Iraqi intelligence officer—"was doing with the 9/11 hijackers in Kuala Lumpur," at the meeting where 9/11 was plotted?

The Talibanate today is most heavily concentrated in—Iraq.

Brits Surrounded

LONDON, JULY 12

IT was a history-besotted few days in London last week. The first big question was whether the Olympic Games in 2012 would be held there, or in Paris. London won that one in a squeaker, and the principals gathered for the G-8 meeting in Scotland sounded eager to address a matter that everyone seemed to care more about than world poverty, though that is a callous way to say it. Safer—and more accurate—to say that winning the Olympics bid generates locally much more satisfaction than increasing prospective calorie consumption in Africa.

Then almost immediately, as if designed to abort celebration, the bombings came. Four explosions in London, bringing pain to hundreds, death to more than 50, and a reintroduction, to a nation that has had so much of it, of life in the age of terrorism. The Brits seemed to take the developments in stride, one more chance to spit in the face of nettlesome intruders on the British way of life. But there is most adamant talk now of the need to regulate immigration. There are an estimated half million illegal residents here, and some of these get satisfaction from planting bombs in subways and buses.

But the most resonant explosions were brought on not by terrorists, but by Jacques Chirac. He was dining with German Chancellor Schroeder and Russian President Putin in the Russian city of Kaliningrad, which was celebrating its 750th anniversary. As Chirac chatted with them, he did not notice a French newspaper reporter at a nearby table pulling out a tape recorder. The reporter captured words which might have

brought on a world war, and some British seemed to be almost in the mood for it.

The casus belli was what Chirac confided to his fellow world leaders about British cuisine. "You can't trust people who cook as badly as [the British]," he told them. "After Finland, it's the country with the worst food." Chirac was obviously carried away with his mission to educate Germans and Russians, advising their leaders that the "only contribution" the British have made to agriculture has been "mad cow disease."

That really did it. The *Daily Mail* began with a grand overview of Franco-British relations. "With the exception of two world wars in which, oddly, we found ourselves on the same side, we have loathed the French since 1066." The *Mail's* Simon Heffer went on to excoriate French agricultural policies, which have the effect of bringing undernourishment and even starvation to thousands.

The paper's food editor is not to be trifled with. Clarissa Dickson Wright not only defended British cooking, she contrasted it to the dangers of eating in France, where, she said, she had lost a family member. "Some years ago great uncle Bertram dined in one of those charming little provincial restaurants the French love to bang on about. He ate a classic French regional dish, tripe à la mode de Caen. Afterwards he died of acute food poisoning." She left her readers wondering that there were so many Frenchmen still alive.

A *Daily Mail* editor rounded off the discussion by contributing a welter of "Jacques Jokes." They included, "What did the mayor of Paris say to the German army as they entered the city in World War II?" A: "A Table for 100,000, M'sieur?"

The British have survived the bombings from the terrorists and from the president of France.

—UNIVERSAL PRESS SYNDICATE



"Now, I don't want to get too well—I'm on disability."

happy warrior

MARK STEYN

Merit Badge

It was late in the evening—actually, late in the early morning—on the NATIONAL REVIEW British Isles cruise, and in the piano bar I'd just finished up my rendition of "Hey, Big Spender!" I'm not saying this was a trenchant ideological taunt of George W. Bush, but by this stage of the voyage NR writers and readers were getting more than a little touchy about the various unsatisfactory elements of "compassionate conservatism." At one question-and-answer session, Jonah Goldberg delivered a magnificent laundry list of differences with the Bush administration that filled most of the 36-hour sailing time between Belfast and Edinburgh. It was "The Rime of the Ancient Mariner" of Bush denunciations: On and on rolled the grievances—immigration, farm subsidies, prescription drugs. You waited for the "but," but the "but" it cameth not.

Until the early hours of the final day, that is, when—after my "Hey, Big Spender!"—a brave band of NR cruisers trooped in to the room next door. We were there to watch the president announce his Supreme Court pick live from the White House at 9 P.M. Eastern, 2 A.M. local time (BST—that's the laughably misnamed British Summer Time, not Bovine Spongiform Time, as one reader suggested). Much gloom had settled on the ship in the days before—we'd done the whole Gonzales-is-Spanish-for-Souter routine, and then gone in for a lot of identity-group psephology, taking for granted the soundness of John Derbyshire's line that one thing you can guarantee is it won't be a white male. We mused on how the politics of Swingin' Sandra's retirement demanded a woman replacement, and so that meant Bush would probably want to pick the first Hispanic-American female, and then the legal experts aboard airily threw around likely candidates whose jurisprudence the rest of us pretended to be familiar with: Conchita Rosalita Alcantara Cortez, Carmelita Juanita Suarez Angarita,

etc. (I quote from memory.) After a couple of days of being berated by NR readers furious about illegal immigration, it occurred to me the president might want to start the amnesty with a splash and nominate the first Undocumented-American to serve on the Supreme Court.

And then in the hours before the decision word began to leak out that it was a judge called Edith. Which one we weren't sure: At sea no one can hear you scream, for 24-hour cable-speculation channels.

But the experts prowling the decks agreed there was a sound Edith and a wobbly Edith. Whichever one it was, Bush apparently wanted to nominate the first Edith to serve on the Supreme Court.

And so we went next door and gathered round the TV set, and it was a guy called "John Roberts." What kind of cockamamie handle is that for a Supreme Court justice?

Among NR cruisers, Judge Bork seemed happy—well, happier than he'd been listening to "Hey, Big Spender!" (during which he seemed to be mentally sketching out a first draft of *Crooning Towards Gomorrah*). I'm hardly qualified to pronounce on Roberts as a judge, but on the other hand at least I can pronounce Roberts. After all the talk about the first Hispanic this and the first African-American female that, Bush went out and picked not just the umpteenth non-history-making dull white male but a fellow whose name is the very apotheosis of the dull white male: "John Roberts." Did "John Smith" have a nanny problem? Was "John Doe" a dangerously unbalanced John like "John Bolton," prone to putting his hands on his hips and flouncing around the room?

At such moments, and while acknowledging that many Bush critics have a point, we ought to recognize one of the president's great virtues: his imperviousness to political modishness. You'll recall

during the 2000 race the usual deranged summer speculation about the veepstakes: all the talk of the novelty candidates, the famous firsts. Gore was said to be contemplating Bill Richardson, who'd be the first Hispanic-American to run for vice president, and Bill Cohen, who'd be the first Republican to run on a Democratic ticket and deliver key moderate votes; Bush was deep in negotiation with Elizabeth Dole, the first Republican woman, or Colin Powell, the first African-American, or John McCain, the first Maverick-American. We pundits roll out the old chestnuts, like the presidential nominee needing a running mate who'll give the ticket geographic balance, and suddenly every hack pol is LBJ deliver-

ing Texas in 1960. If Bush picks (Insert Name Of Guy You've Never Heard Of), he's likely to deliver (Insert Name Of Large State Where No One's Heard Of Guy Either). Looking back at 2000, I see I did a throwaway line about how if Bush picked Liddy Dole she'd deliver "her apartment complex at the Watergate and fellow condo owners at her and Bob's vacation place in

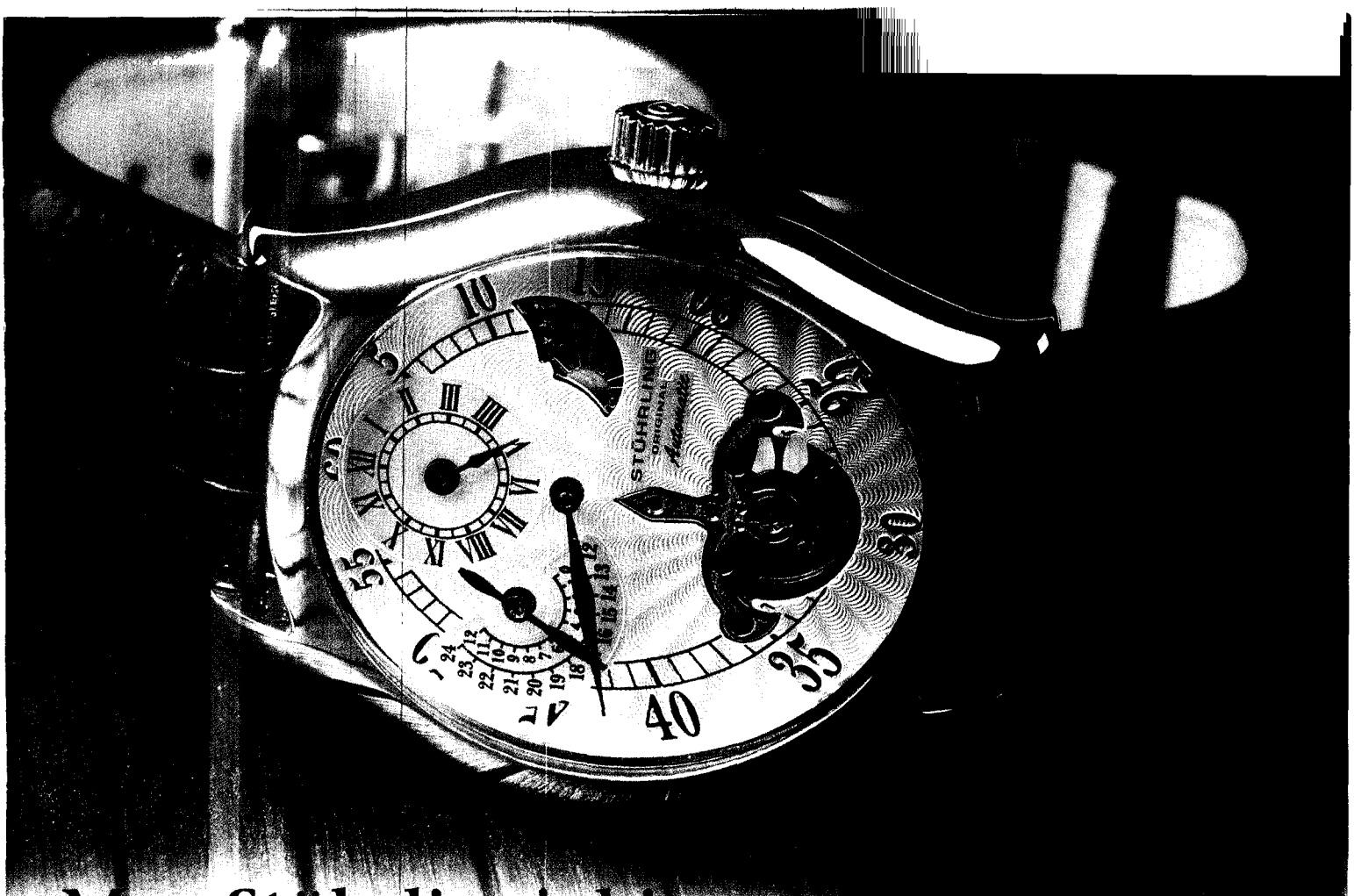
Bal Harbour." The latter observation turned out to be one of my more accidentally prescient insights.

In the end, Al Gore picked the first Jewish-American, and George W. Bush picked Dick Cheney. To balance the ticket, the white male stooge of sinister Texas oil interests picked another white male stooge of sinister Texas oil interests—because he thought he was the best guy for the job.

When nobody's paying attention, the president nominates the first black female secretary of state and the first Hispanic attorney general, and gets no ethnic rah-rah points for it. But, when the media's got the quota fever, he nominates a white male. The president's willingness to evaluate candidates on (as someone once said) the content of their character is a too rare virtue, and we should treasure him for it. He doesn't boast about an administration that "looks like America," but he's got one in the most important sense—they made it on merit.

NR

We ought to recognize one of the president's great virtues: his imperviousness to political modishness.



Max Stührling's big mistake

When quality isn't enough to take on the big guys.

The fine horologists (watchmakers) at Stührling just built a super luxury watch for this summer season. Using one of the most complex regulator movements ever designed, they engineered the Regulator Series 3. With its large separate minute dial and small hour dial, this watch was built to take on the likes of Rolex™ and Patek Philippe™ and was to retail for \$5,750. Well, Max made a mistake. The other luxury watch manufacturers had locked up the high end jewelers by offering large advertising contracts, so Max is left with 3,435 of these magnificent "Regulator Series 3" watches.

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You see, NextTen has become synonymous with high quality watches at extraordinary values. We are offering the Regulator for a miraculous price—\$349.75. Max is in tears, but he needs the cash. When the 3,435 watches are sold, that will be the end of them. I am keeping three for myself since I'm convinced that the rare design will make this watch sought after by collectors in years to come.

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